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General
Inventory
Series

RG 33

**Records of Federal
Royal Commissions,
Volume 2**

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Government Archives Division

General Inventory Series

RECORDS OF FEDERAL ROYAL COMMISSIONS

(RG 33)

VOLUME 2:
Series 33/76 to 33/147

James Murray Whalen



National Archives
of Canada

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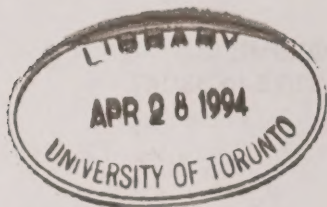
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TABLE OF CONTENTS

(Volume 2)

	Page
Foreword	vii
Acknowledgements	viii
Introduction	ix
INVENTORY OF THE RECORDS OF FEDERAL ROYAL COMMISSIONS	181
76. Charges of Misconduct Against Officials in the Yukon Territory, 1899	181
77. Operation of the <i>Civil Service Act</i> , 1907	183
78. Health Services, 1961-1967	186
79. Marketing Problems of the Freshwater Fish Industry, 1961-1976	189
80. Bilingualism and Biculturalism, 1963-1971	191
81. Marketing Problems of the Atlantic Salt Fish Industry, 1964-1965	197
82. Martineau Defalcation, 1901-1903	200
83. Public Service, 1857-1892 and 1911-1913	202
84. Airplane Crash at Ste-Thérèse de Blainville, Quebec, 1963-1964	204
85. Complaints by Walter H. Kirchner regarding Veterans' Pension and Treatment Services, 1947-1948	207
86. Political Partisanship in the Department of Soldiers' Civil Re-establishment, 1926-1927	209
87. Future of Trans-Canada Air Lines Overhaul Base at Winnipeg International Airport, 1957-1966	211
88. Customs and Excise, 1926-1927	214
89. Status of Women in Canada, 1962-1970	217
90. Working Conditions in the Post Office Department, 1965-1966	221
91. Farm Machinery, 1964-1971	223
92. Dealings of the Hon. Mr. Justice Leo A. Landreville with Northern Ontario Gas Limited, 1958-1966	227
93. Extradition of Lucien Rivard (the "Rivard Affair"), 1964-1965	230

94.	Pilotage, 1874-1971	232
95.	Industrial Relations in Canada, 1919	236
96.	Case involving Gerta Munsinger (the "Munsinger Case"), 1966	238
97.	Demands of the Coal Miners of Western Canada, 1943-1944	241
98.	Government Printing and Stationery Office, 1919-1923	244
99.	Immigration of Italian Labourers to Montreal, 1903-1905	246
100.	Naturalization, 1931	248
101.	Non-Medical Use of Drugs, 1957-1973	250
102.	Steel Profits, 1970-1974	254
103.	Airport Inquiry Commission, 1965-1974	256
104.	Indian Lands and Indian Affairs Generally in the Province of British Columbia, 1913-1916	260
105.	Potentialities of Reindeer and Musk-Ox Industries in the Arctic, 1920	264
106.	Airplane Crash at Rea Point, Northwest Territories, 1972-1976	266
107.	Claims of Certain Canadian Pelagic Sealers, 1910-1916	268
108.	Elder Indians' Testimony, 1977	270
109.	Reconveyance of Land to British Columbia, 1927	271
110.	Treadgold and Other Concessions in the Yukon Territory, 1903-1904	273
111.	Grain Handling and Transportation, 1967-1978	276
112.	Parliamentary Accommodation, 1974-1976	279
113.	Corporate Concentration, 1970-1978	281
114.	Working of the Law Branch of the House of Commons, 1912	284
115.	Indian Claims, 1966-1977	285
116.	West Coast Oil Ports, 1971-1978	288
117.	Canadian Automotive Industry, 1973-1978	291
118.	Canadian Unity, 1976-1979	294
119.	Newfoundland Transportation, 1972-1978	297

120.	Dispatch of the Canadian Expeditionary Force to Hong Kong, 1940-1942	301
121.	Bilingual Air Traffic Services in Quebec, 1962-1979	303
122.	Financial Management and Accountability, 1975-1979	307
123.	Labour Dispute at the Windsor Plant of the Chrysler Corporation of Canada, 1941	311
124.	Costs of Transporting Grain by Rail, 1964-1978	313
125.	Mississauga Railway Accident, 1962-1980	315
126.	Newspapers, 1972-1982	317
127.	Commercial Practices of the Canadian Dairy Commission, 1966-1980	319
128.	Certain Activities of the RCMP, 1967-1981	322
129.	Conditions of Foreign Service, 1969-1982	326
130.	Law of Insanity as a Defence in Criminal Cases, 1952-1956	329
131.	Criminal Law Relating to Criminal Sexual Psychopaths, 1948-1958	331
132.	Pacific Fisheries Policy, 1976-1982	333
133.	Equality in Employment, 1982-1985	336
134.	Marketing Practices for the Potato Industry in Eastern Canada, 1984	339
135.	Pharmaceutical Industry, 1984-1985	341
136.	<i>Ocean Ranger</i> Marine Disaster, 1974-1986	344
137.	Economic Union and Development Prospects for Canada, 1983-1986	349
138.	Seals and the Sealing Industry in Canada, 1964-1986	353
139.	Unemployment Insurance, 1979-1986	356
140.	Collapse of the CCB [Canadian Commercial Bank] and Northland Bank, 1984-1986	360
141.	Foreign Claims, 1944-1987	363
142.	Determination of Sentences, 1981-1987	369
143.	Hinton Train Collision, 1978-1986	373
144.	War Criminals, 1985-1986	376
145.	Chinese and Japanese Immigration to British Columbia, 1900-1902	379

146	Chinese Frauds and Opium Smuggling on the Pacific Coast, 1910-1911	381
147.	Westbank Indian Band, 1976-1987	383
APPENDICES		389
I.	Chronological list of federal royal commissions (RG 33/1 to RG 33/147) arranged by date of appointment	391
II.	The <i>Inquiries Act</i> (R.S.C., 1985, c. I-11)	395
III.	Example of an Order in Council setting out the terms of reference of a "Public Inquiry"	400
IV.	Example of a commission issued by Letters Patent under the Great Seal of Canada appointing a commissioner to a "Public Inquiry"	404
INDEXES		411
Name Index to Chairpersons, Commissioners and Executive Secretaries or Directors		413
Subject Index		418

FOREWORD

Part of the mandate of the National Archives of Canada is the acquisition of federal government records considered worthy of long-term preservation. The Government Archives Division, which has responsibility for the archival textual and electronic records of the government, strives to make that documentary heritage accessible and useable by government officials, researchers, and the general public. In its efforts to diffuse this information, the Division has published a series of general inventories relating to its holdings.

In the past, each inventory has described one record group. The term record group (RG) has been used to refer exclusively to federal government records in the National Archives of Canada. A record group can most easily be defined as any body of records of the Government of Canada or its predecessors that are organizationally or functionally related by administrative continuity. This usually means that a separate record group is created for each department, major branch or agency, that at any point during its existence maintained separate and self contained records systems.

RG 33 does not conform to the usual definition of a record group as applied to federal government records held by the National Archives of Canada. In this case, small bodies of similar records that have no administrative continuity (other than their identity as royal commissions) have been brought together to form one record group. We expect that, in the near future, these records will be separated into separate fonds d'archives. The *Rules for Archival Description*, published by the Bureau of Canadian Archivists, define a fonds as "The whole of the records, regardless of form or medium, automatically and organically created and/or accumulated and used by a particular individual, family, or corporate body in the course of that creator's activities or functions." The implementation of the fonds concept, however, should not affect the current internal organization of the records.

The first volume of this inventory contained an administrative outline relating to the history of royal commissions in Canada, including a chronology of legislation pertaining to royal commissions, and descriptions of series RG 33/1 to RG 33/75. Volume two, consequently, describes the records of series RG 33/76 to RG 33/147 which cover commissions of inquiry appointed during the period 1898 to 1986. A nominal and subject index, covering all 147 entries, can be found in volume two as well.

Gabrielle Blais
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In addition, I am indebted to Lorraine Gadoury, Archivist, Government Archives Division, who prepared French-English entries for the index. She also verified the titles of the reports of the various royal commissions in both official languages and compiled the appendices. I am especially grateful to Tina Lloyd, Archivist, who during the spring of 1992 took over my duties enabling me to devote full-time to the text. Moreover, she along with Archivist Brian Beaven, both of the Government Archives Division, read the inventory entries and offered comments which helped me to improve them. Also, I wish to thank John Armstrong and Jocelyne Robitaille, both of the Standards and Description Section, Government Archives Division, who were responsible for inputting the text.

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INTRODUCTION

Administrative Details

This work describes the background, mandate, reports and records of 72 federal royal commissions in the custody of the Government Archives Division of the National Archives of Canada. It also refers to material held in record groups, other than Record Group 33, as well as in other custodial divisions of the National Archives. In addition, where necessary, reference is made to research studies and other publications relating to the various royal commissions. This inventory is the second of two volumes. It describes the records of series RG 33/76 to RG 33/147 which cover commissions of inquiry appointed during the period 1898-1986. It is comprised of material transferred to the National Archives as of 31 December 1991.

The *Government Archives Division. General Inventory Series. Records of Federal Royal Commissions (RG 33)*, Volume 1, published in 1990, contains series RG 33/1 to RG 33/75. It describes commissions of inquiry appointed during the period 1873-1975. In addition, it contains an administrative outline which includes a chronology of legislation pertaining to royal commissions, and a description of the format of the inventory which dwells on the types of material normally found in each series of records.

A nominal and subject index, covering all 147 entries in both volumes, is found at the end of Volume 2. As in Volume 1, commissions of inquiry described in this inventory are arranged in the order in which they were transferred to the Archives. In order to facilitate their use, Appendix I to the current volume contains a chronological list of all series from RG 33/1 to RG 33/147. Also, the appendices include a copy of the *Inquiries Act*, and an example of a "royal" commission issued under the Great Seal of Canada.

Of the 72 commissions described in Volume 2, 62 were appointed under Part I of the *Inquiries Act*; nine were appointed under the *Inquiries Act*, but the specific part of the *Act* is not apparent; and one, namely the Commission on Industrial Relations of 1919 (RG 33/95), was appointed under an unspecified statute.

The total extent of the records included in the two volumes of the inventory is in excess of 1,000 metres of textual records, 196 microfilm reels and 353 microfiche. In addition, electronic records (data files) are located in the following series: 71, 72, 80, 91, 101 and 113.

As mentioned in the introduction to the first volume of this inventory, the records of each federal royal commission are described as a separate series under Record Group 33. However, as work progresses on the implementation of descriptive standards at the National Archives of Canada, each federal royal commission within RG 33 will likely be treated as a separate fonds. Since the principle of *respect des fonds* and *provenance* have been applied consistently to each series in RG 33 in the past, the records created by each commission meet the requirements of the definition of a fonds as described in the *Rules for Archival Description*.

Powers Granted to Royal Commissions and the Rights of the Individual

Probably the most important development in the field of royal commissions, in the last few years, is the preoccupation with the powers entrusted to public inquiries, especially those dealing with suspected wrongdoing, and whether or not they affect individuals unfairly. Increasingly such inquiries have come under judicial scrutiny. The subject is so important that a conference on "Commissions of Inquiry: Lawyers' Values and Public Policy Makers' Values" took place at Dalhousie University in Halifax from 25 to 27 February 1988. The conference, the first to be held on "processes and utility

of commissions of inquiry," attempted to answer several perplexing questions including the following one "to what extent do lawyers' concerns respond to threats to individual rights posed by an unbridled instrument of government caught up in a new love affair with the media and with television in particular?"¹

The powers granted to royal commissions whether appointed under federal or provincial legislation are exceptional. They include the power to compel persons to testify, to produce documents as evidence and to enforce the attendance of witnesses.² In addition, evidence is often heard in public at an inquiry that would not be admissible in a court of law. Although a commission's power is broad, it is not without limitation. As Claire L'Heureux-Dubé, a Justice of the Supreme Court of Canada has pointed out, "it is worth noting the many procedural protections awarded the appellants in the *Public Inquiries Act* and the Commissioner's own rulings."³ Some of these protections include: right to participate; cross-examination of witnesses; right to counsel; opportunity to call witnesses to introduce evidence; privileges available to witnesses in court, such as solicitor-client privilege; and the opportunity to demand *in-camera* hearings.⁴ In addition, the *Canadian Charter of Rights and Freedoms* of 1982, the *Canada Evidence Act* and the *Inquiries Act* guarantee, regardless of what evidence is given during a public inquiry, the individual will be protected against the use of such testimony should the matter ever be brought to trial.

As early as 1977, the Federal Court of Canada ruled that the report of a commission of inquiry of 1966 on the conduct of Mr. Justice Leo A. Landreville was null and void because it violated Section 13 of the *Inquiries Act*. Section 13 provides that "no report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel." Specifically, Commissioner Rand was reporting on whether there had been misconduct by Justice Landreville when he acquired shares in Northern Ontario Natural Gas, allegedly at no cost to himself, and by so doing he had proven himself unfit to hold office as Judge of the Supreme Court of Ontario.⁵

More recently, two royal commissions dealing with the alleged misconduct of individuals, both appointed under the *Public Inquiries Act* of the Province of Ontario, have been subjected to judicial proceedings. In the first case, the Order in Council establishing a public inquiry into the deaths of several babies at the Hospital for Sick Children in Toronto specified that the Commissioner, Samuel Grange, was to conduct the investigation without "expressing any conclusion of law regarding civil or criminal responsibility." The Ontario Court of Appeal interpreted this to mean that the Commissioner could not name the person or persons responsible for causing the deaths of any or all of the infants.⁶

In *Starr v. Houlden*, which also was prohibited from expressing any conclusion regarding civil or criminal responsibility, the Supreme Court of Canada ruled that "this inquiry was a substitute for a police investigation and preliminary inquiry into an offence alleged to have been committed by one or more named individuals." In the opinion of the Supreme Court, the inquiry's terms of reference exceeded the authority of the province because it dealt with a matter related to criminal law and procedure which is under the exclusive jurisdiction of Parliament, and consequently, it was terminated.⁷ But, this case was clearly more than a question of whether the inquiry constituted an invalid invasion of federal jurisdiction. According to John Sopinka, a Justice of the Supreme Court of Canada:

"underlying the decision in the *Starr* case is a more fundamental principle than simple division of powers between the federal and provincial governments: when an individual is subjected to investigation and possible punishment by the state, then as a matter of necessity we must ensure that her rights are protected."⁸

As a result, the courts will probably intervene and invalidate any public inquiry appointed with the intention of bringing to justice named individuals who have engaged in wrongdoing.

Publicity given to the testimony of a witness at a public inquiry, for example, may make it difficult to ensure fairness and impartiality to the same individual at a subsequent trial. Even if there are no charges laid, the effect of the publicity may do irreparable damage to their reputation. As the Hon. Mr. Justice Sopinka, former counsel to Susan Nelles and Sinclair Stevens, claims:

"Public inquiries that are little more than criminal investigations yet do not accord ... fundamental protections are invalid. They amount to trials without safeguards. Such inquiries do not conform to our accepted notion of fairness, do not produce just results, and cannot be tolerated in a society such as ours."⁹

In future, it appears that the terms of reference for public inquiries will be drafted in more general terms. They will, no doubt, be directed at issues of public policy rather than the conduct of specific individuals. In setting up the Houlden inquiry, which was to identify the dealings between Patricia Starr and Tridel Corporation and elected and unelected officials; and to determine whether a benefit was conferred upon an elected or unelected public official; the Supreme Court of Canada ruled that the inquiry might have been acceptable if it had been intended to serve a broad policy function. The Hon. Mr. Justice Lamer commented on the Houlden inquiry as follows:

"The terms of reference simply make no mention of an examination of the overall system governing how government officials deal with charities specifically, or with respect to outside interests generally. Indeed, although public officials are within the scope of the inquiry, the investigation of them depends on whether they have had dealings with named individuals, neither of whom are public officials."¹⁰

However, in a recent *Report on Public Inquiries*, the Ontario Law Reform Commission claims that critics of inquiries "overstate the dangers of the inquiry process and underestimate their unique attributes as instruments of government." According to the Law Reform Commission: "the challenge is not so much to devise additional safeguards, but rather to assess whether their implementation would compromise the effectiveness of the public inquiry unduly as a legitimate policy instrument."¹¹

In response to that challenge, the Law Reform Commission recommended changes to the *Public Inquiries Act* for the Province of Ontario in order "to minimize the prejudice and unfairness that results from the public inquiry process without impairing the execution of their mandates."¹²

Some of the recommendations of the Ontario Law Reform Commission are as follows: give witnesses the right to refuse to testify at a public inquiry on the grounds that their testimony might incriminate them; broaden provisions that give inquiry heads the right to hold hearings or part of them *in-camera* or prohibit publication of certain matters; give a commission the independent right to release its report within thirty days of its delivery to cabinet if it has not been tabled in the legislature or released to the public; and permit inquiries to disallow evidence if the relevance would be outweighed by its prejudicial impact on witnesses.¹³ The Law Reform Commission further observed that: "there are, in effect, two kinds of public inquiry; those dealing primarily with policy formulation, and those with wrong-doing. It is the latter kind of inquiry that impacts most seriously on a person's rights, and will therefore be most affected by the commission's reform proposals."¹⁴

It is worth noting, however, that not all royal commissions on wrongdoing are directed at individuals. More often than not, they are called upon to inquire into and report upon the misconduct of individuals as well as to engage in policy research. For example, in 1977, the Law Reform Commission of Canada pointed out that public inquiries could be categorized by those that gather information about broad policy issues and those which investigate alleged wrongdoing. The federal

Law Reform Commission recognized that while some inquiries serve both functions, "almost every inquiry primarily either advises or investigates."¹⁵ Notwithstanding the type of public inquiry appointed, it is important that it operates in such a way that the rights of the individual are adequately protected

NOTES

1. Innis Christie and A. Paul Pross, "Introduction," *Commissions of Inquiry*, ed. A. Paul Pross, Innis Christie, and John A. Yogis, 1990, Carswell. Printed in the *Dalhousie Law Journal*, Vol. 12, No. 3, January, 1990.
2. The federal *Inquiries Act* (R.S.C., 1985, c. I-11). This act is similar to legislation governing the appointment and conduct of public inquiries in each of the provinces of Canada.
3. *Starr v. Houlden* [1990] 1 S.C.R. 1366, 68 D.L.R. (4th) 641. Mme Justice L'Heureux-Dubé dissenting, p. 38. (Hereafter cited as *Starr v. Houlden*).
4. *Ibid.*
5. *Landreville v. the Queen* [1977] 2 F.C., 726, 75 D.L.R. (3rd) 380 (T.D.) and National Archives of Canada, Government Archives Division, General Inventory Series, *Records of Federal Royal Commissions* (RG 33), Vol. 2, RG 33/92.
6. *Re Nelles v. Grange* (1984), 46 O.R. (2nd) 210, 9 D.L.R. (4th) 79 (C.A.).
7. *Starr v. Houlden*, p. 4.
8. John Sopinka, "Public Inquiries," Address to the Canadian Institute for the Administration of Justice Conference, Winnipeg, 24 August 1990, p. 2.
9. *Ibid.*, p. 3.
10. *Starr v. Houlden*, J. Lamer, p. 37.
11. Ontario Law Reform Commission, *Report on Public Inquiries*, 1992. [30 March 1992, Chair Rosalie Abella, submitted to the Hon. Howard Hampton, Attorney General for Ontario] p. 185 and p. 191.
12. *Ibid.*, p. 213.
13. *Ibid.*, pp. 214-217. The Law Reform Commission made twenty-two recommendations in its report.
14. *Ibid.*, Executive Summary, p. 1.
15. Law Reform Commission of Canada, Working Paper 17, *Administrative Law: Commissions of Inquiry*, 1977, p. 13.

**INVENTORY OF THE
RECORDS OF FEDERAL ROYAL
COMMISSIONS**

Title: Commission to Inquire into and Report upon Certain Charges Preferred Against Many Government Officials in the Yukon Territory, 1899, .2 m (Vols. 1-2; microfilm reel T-1321)

Background: On 25 August 1898, a Miners Committee of the Yukon Territory represented by George T.C. Armstrong, Chairman; Percy McDougall, Secretary; and 11 others, wrote to Prime Minister Laurier complaining about the conduct of some government officials in the Yukon Territory regarding the administration of the laws and mining regulations. The committee requested that the government appoint a commission of inquiry to investigate their grievances. Among the complaints were the following:

- (1) That "the Gold Commissioner's Office is practically closed ... to the miner who has not the means or desire to bribe the clerks in order to obtain knowledge of records which ought to be public."
- (2) That "wholesale information with regard to unrecorded ground is conveyed to certain individuals, outside the [Gold Commissioner's] office, who obtain men to stake, and record ground in consideration of an interest in the same."
- (3) That "dissatisfaction has arisen, this particularly owing to the fact that the Crown Prosecutor, being the only person to whom the Gold Commissioner could look for legal advice, permitted himself at the same time to be retained as advocate by one of the contestants."
- (4) That the Crown Prosecutor "in his capacity as Dominion Lands Agent is openly charged with serious breeches of trust and malfeasance in office in that favoritism has been shown to persons by whom he had been retained as Attorney."
- (5) That "injustice has been done and great dissatisfaction thereby occasioned, owing to the incompetency of some of the officials of the Recorder's office."
- (6) That "the Mining Inspector's want of experience and conversance with the most ordinary methods of mining cause hardship to many of the claim owners."
- (7) That "the Crown Timber Agent has granted such extraordinary concessions and laid down such stringent regulations that only a few parties have the privilege of supplying the town with cord wood this coming winter."

On 7 October 1898, the Government of Canada appointed William Ogilvie a Royal Commissioner with authority to investigate and report upon these charges (Order in Council P.C. 2371, 7 October 1898).

Hearings of the commission were held in Dawson from 6 February to 11 March 1899. There were 23 exhibits filed with the commission.

Authority: Order in Council P.C. 2371, 7 October 1898, under *An Act Respecting Inquiries Concerning Public Matters* (R.S.C., 1886, c. 114) and on the recommendation of the Minister of the Interior.

Terms of Reference: To inquire into and report upon the charges and complaints as set forth in a communication dated at Dawson, Yukon Territory, 25 August 1898, addressed to the Prime Minister of Canada, signed by George T.C. Armstrong, Chairman, *et. al.*, representing a Miners Committee; in which it is alleged that many of the Government Officials have forfeited their claims to the peoples confidence and respect by their conduct and action in certain matters and into any other charges or complaints that any person in the Yukon Territory may desire to make against the officials of the Government of Canada in that territory.

Commissioner: William Ogilvie.

Secretary: J.N.E. Brown.

Records: Transcripts of hearings.

There is no finding aid for this material.

Additional References: National Archives of Canada, Clifford Sifton Papers, MG 27, II, A15, Vol. 295, correspondence from William Ogilvie, Commissioner, to Clifford Sifton, the Minister of the Interior.

National Archives of Canada, Records of Parliament, RG 14, E1, Vol. 1989, copy of the report of the Commissioner, Mr. William Ogilvie, copies of notices mentioned in it and other papers called for by Address from the Senate, No. 15, 28 April 1899, 27 p.

Report: Dated 20 September 1899. Tabled in the House of Commons on 7 June 1900. Sessional Paper No. 33u, 1900. Printed as: *Copy of Report of Mr. William Ogilvie, Commissioner of the Yukon Territory, in Connection with the Administration of Affairs in that Region*, 33 p.

Related Publications: House of Commons, Sessional Papers Nos. 87, 87a, 87b and 87c, 1899, documents relating to the appointment of William Ogilvie as Commissioner and transcripts of evidence taken before the commission including an index.

Title: Commission to Inquire Into and Report on the Operation of the Existing *Civil Service Act* and Relating Legislation with View to Proposing Such Changes as may be Deemed Advisable, 1907, 30 pages (Vol. 1)

Background: Almost from the time of Confederation, there had been a call for the elimination of patronage in appointments to the civil service. Up to the year 1907, the Government of Canada appointed three public inquiries on the civil service, in 1868, 1880 and 1891 respectively; and a Select Committee of the House of Commons, in 1877. All had dealt to some degree with the unfairness of the patronage system. Over the years, numerous articles attacking the use of patronage in appointments to the civil service appeared and some leading politicians and public men of the day expressed disapproval of it. Influenced to some degree by civil service reform in Great Britain, reformers in Canada generally thought that the selection and promotion of civil servants should be based on merit through the use of competitive examinations.

As late as 1907-1908, evidence presented to yet another royal commission on the civil service proved beyond a doubt that: "political patronage was still the dominant influence throughout the public service, and that the *Act of 1882 (An Act Respecting the Civil Service of Canada, 45 Vict., c. 4)* had done little to curb it. Party connection was just as important a qualification for office as before. Promotions were still affected by it, as were salaries, dismissals, discipline, and purchases of supplies."

The most common form of patronage was political nomination by which persons were appointed to positions in the civil service on the basis of party service. Another variant of it was the "spoils system" by which wholesale dismissals from the civil service followed every change of government.

On 2 March 1907, John M. Courtney, who later served as Chairman of the Royal Commission on the Civil Service of 1907-1908, addressed the Canadian Club in Ottawa. In his address, he called not only for the elimination of patronage in the civil service but also for better remuneration for civil servants, the reinstitution of superannuation benefits, the establishment of an independent commission to oversee appointments, and the inauguration of a system whereby appointments would be based on competitive examinations with definite probation periods for successful candidates.

According to R.M. Dawson, a leading authority on this subject, reform in the civil service was long overdue:

"The condition of the civil service from 1882 to 1908 was therefore one of stagnation, or, if there was any movement, it was in the wrong direction. The entrance examinations continued to be given

with very little change, and the successful candidates, according to an official report, were probably of poorer quality in 1908 than in 1882. The promotion examinations, as the reports of the Board showed, had lost what little virtue they had had through the hostility of the Ministry. The reduction in their number, combined with the rule allowing one test to do duty for two or three promotions, had made this part of the *Act* of 1882 practically inoperative and almost entirely useless. The Board of Examiners fought conscientiously for their scanty privileges, and the only reason they were not annihilated was that their battle was scarcely worth fighting at all. Patronage merely smiled at their activity and continued its work almost oblivious of their presence."

On 25 April 1907, the Minister of Finance, W.S. Fielding, stated in the House of Commons that the Government of Canada intended to appoint a Royal Commission on the Civil Service. He made it clear that the inquiry would concern itself primarily with the Inside Civil Service (that part of the civil service located in Ottawa). More significantly, he did not anticipate that the government would make "any very radical changes in Civil Service law." When the Order in Council authorizing the appointment of the Royal Commission was drawn up, on 8 May 1907, it reiterated that "the general principles of the *Civil Service Act* are regarded as satisfactory." Evidence presented to the Royal Commission proved otherwise, as the Commissioners recommended a repeal of the legislation (R.M. Dawson, *The Civil Service of Canada*, London, Oxford University Press, 1929, pp. 19-89; J.E. Hodgetts, W. McCloskey, R. Whitaker and V.S. Wilson, *The Biography of an Institution, the Civil Service Commission of Canada, 1908-1967*, Montreal and London, McGill-Queen's University Press, 1972, pp. 3-43; *The Canadian Annual Review*, 1907, pp. 424-425; and House of Commons, *Debates*, 25 April 1907, pp. 7793-7799).

Hearings of the commission were held in Ottawa, Quebec City, Montreal and Toronto from 15 May to 20 November 1907.

Authority:

Order in Council P.C. 1108, 8 May 1907, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Minister of Finance.

Terms of Reference:

To inquire into and report on the operation of the *Civil Service Act* and kindred legislation with a view to proposing such changes as may be advisable in the best interests of efficiency in the public service; that such inquiry should include the following subjects: (1) general operation of the *Civil Service Act*; (2) classification of the Service; (3) salaries; (4) temporary employment; (5) technical employees; (6) promotions; (7) discipline, hours of service, etc.; (8) efficiency and sufficiency of the departmental staffs; (9) retiring allowances; and (10) any other matter relative to the Service which in the opinion of the Commissioners requires consideration.

That while the Service at Ottawa should be the first subject for the consideration of the Commissioners, they be authorized, if time

permits, to extend their inquiry to any portion of the Outside Service that may come under their observation.

Commissioners: The original Commissioners were: John Mortimer Courtney, Chairman; Thomas Fyshe and John George Garneau. Garneau resigned, and was replaced by Phillipe J. Bazin. (Order in Council P.C. 1122, dated 9 May 1907)

Secretary: Thomas S. Howe.

Records: Printed copy of a petition of the Civil Service Association, dated 26 June 1907.

There is no finding aid for this material.

Report: Dated 17 March 1908. Tabled in the House of Commons on 26 March 1908, Sessional Paper No. 29a, 1907-1908. Printed as: *Civil Service Commission, 1908. Report of the Commissioners*. Ottawa, King's Printer, 1908, 275 p. Tabled with this report is a transcript of hearings of the commission. Printed as: *Civil Service Commission 1908. Minutes of Evidence*. Ottawa, King's Printer, 1908, 2 vols., 1387 p.

Title: Royal Commission on Health Services, 1961-1967, 12.2 m (Vols. 1-60)

Background: The Federal-Provincial Conference of 1955 held discussions concerning the introduction of a comprehensive health insurance program in Canada. The decision to proceed with a national hospital insurance plan reflected a realization that of all health services, hospital care was the most expensive one. As a result of these discussions, and subsequent negotiations, the *Hospital Insurance and Diagnostic Services Act* (5-6 Eliz. II, c. 28, 1956-1957; amended by 7 Eliz. II, c. 6, 1958) was implemented on 1 July 1958 with five provinces participating. It authorized federal payments toward the cost of supporting certain hospital services provided by the provinces under provincially administered health insurance programs. By 1 January 1961, all 10 provinces were providing federally assisted hospital insurance.

The Report of the Royal Commission on Health Services said the reaction to the national hospital insurance program was favourable:

"The representations from hospital associations, medical associations, provincial governments, and consumer groups together with our own investigations, make it clear that, by and large, the basic foundations of the program are sound, that it has financed hospital operations that could not otherwise have been made possible, enabled people to obtain care that they would not otherwise have received, and prevented, for many individuals and families, a substantial part of the financially crippling blows of prolonged illness."

By the 1960s, it appeared that Canadians enjoyed a comparatively high level of medical care. The public hospital insurance plan was firmly in place and because of that the private purchase of hospital insurance was no longer necessary. Consequently, insurance firms began to offer Canadians protection against the costs incurred from possible illness or injury and other types of health insurance.

Despite the availability of various types of health insurance, the Royal Commission on Health Services observed:

"This does not, however, mean that health services are universal or comprehensive. Half of our population still lacks adequate medical insurance. Moreover, medical and hospital care, being mainly curative and diagnostic, represent only part of the whole spectrum of hospital services."

In 1960, the Canadian Medical Association, which supported the principle that insurance to prepay the costs of medical services should be available to all Canadians regardless of age, state of health, or financial status, called upon the federal government to appoint an independent inquiry on health services. It wanted an

objective study carried out in order to avoid the kind of political dispute which took place in the Province of Saskatchewan.

In Saskatchewan, the commitment of the provincial government to the introduction of a compulsory province wide medical care insurance plan was strongly opposed by the Saskatchewan College of Physicians and Surgeons. The college declared its support for "the extension of health and sickness benefits through indemnity and service plans" and medicare became one of the main issues of the provincial election of 1960. The dispute between the provincial government and the doctors continued long after that time because the college, even though many doctors went out on strike, was unable to prevent the government's medical care insurance plan from coming into effect on 1 July 1962.

Because of the controversy in Saskatchewan, the Council of the Canadian Medical Association, at a meeting held in 1960, decided to have the CMA Executive:

"Approach the Federal Government to ask them to establish a committee to study the existing and projected health needs and health resources of Canada; and to study methods of ensuring the highest standard of health care for all citizens of Canada"

This resolution was forwarded to Prime Minister Diefenbaker on 12 December 1960. On 21 December, the Prime Minister responded by promising that a royal commission on health services would be appointed. Six months went by, however, before the government passed an Order in Council formally establishing the federal inquiry (Malcolm G. Taylor, *Health Insurance and Canadian Public Policy: The Seven Decisions that Created the Canadian Health Insurance System*, 1978, McGill-Queen's University Press, Montreal, pp. 331-337 and *Royal Commission on Health Services*, 1964, Vol. 1, pp. 381-422).

Hearings of the commission were held in St. John's, Halifax, Charlottetown, Fredericton, Quebec City, Montreal, Toronto, Ottawa, Winnipeg, Regina, Edmonton, Vancouver, Victoria and Whitehorse from 27 September 1961 to 11 March 1963. Representatives of the commission also visited the United Kingdom, France, Holland, Sweden, Switzerland, Austria, Italy, the United States, the Union of Soviet Socialist Republics, Australia and New Zealand. The commission received 406 submissions.

Authority:

Order in Council P.C. 883, 20 June 1961, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference:

To inquire into and report upon the existing facilities and the future need for health services for the people of Canada and the resources to provide such services, and to recommend such measures, consistent with the constitutional division of legislative powers in Canada, as the Commissioners believe will ensure that the best

possible health care is available to all Canadians, with specific reference to: (a) the existing facilities and methods for providing personal health services including prevention, diagnosis, treatment and rehabilitation; (b) methods of improving such existing health services; (c) the correlation of any new or improved program with existing services; (d) the present and future requirements of personnel to provide health services; (e) methods of providing adequate personnel with the best possible training and qualifications for such services; (f) the present physical facilities and the future requirements for the provision of adequate health services; (g) the estimated cost of health services now being rendered to Canadians, with projected costs of any changes that may be recommended; (h) the methods of financing health care services; (i) the methods of financing any new or extended programs which may be recommended; (j) the relationship of existing and any recommended health care programs with medical research and the means of encouraging a high rate of scientific development in the field of medicine in Canada; (k) the feasibility and desirability of priorities in the development of health care services; and (l) such other matters as the Commissioners deem appropriate for the improvement of health services.

- Commissioners:** Emmett Matthew Hall, Chairman; Alice Girard, David M. Baltzan, O. John Firestone, Cecil Leslie Strachan, Arthur F. Van Wart and Malcolm Wallace McCutcheon. On 9 August 1962, McCutcheon resigned from the commission because of his appointment to the Senate and to the federal cabinet.
- Secretary:** N. Lafrance.
- Records:** Administrative files, research material, working papers, correspondence with government departments, organizations and individuals, submissions, transcripts of hearings and related material.
- Consult finding aid 33/78-69.
- Additional References:** National Archives of Canada, Emmett Hall Papers, MG 31, E11, correspondence, memoranda, reports and pamphlets relating to the Royal Commission on Health Services.
- Report:** Volume I. Dated 26 February 1964. Tabled in the House of Commons on 19 June 1964. Sessional Paper No. 274, 1964-1965.
- Volume II. Dated 7 December 1964. Tabled in the House of Commons on 18 February 1965, Sessional Paper No. 274d, 1964-1965.
- Printed as: *Royal Commission on Health Services*, [Ottawa, Queen's Printer, 1964-1965], 2 vols., 1330 p.
- Related Publications:** A number of research studies were published and a list of them is available in G.F. Henderson, *Federal Royal Commissions in Canada 1867-1966 A Checklist*, Toronto, 1967, pp. 169-171.

Title: Commission to Inquire Into and Report Upon the Marketing Problems of the Freshwater Fish Industry in the Provinces of Ontario, Manitoba, Saskatchewan and Alberta and the North West Territories, 1961-1976, 1.2 m (Vols. 1-6)

Background: The Federal-Provincial Conference on Fisheries Development, held in Ottawa from 23 to 24 January 1964, deliberated on the Canadian freshwater fish industry. At this conference, it was agreed that marketing was one of the main problems in the industry and that the usefulness of a marketing board warranted further study. Marketing constituted the process of moving freshwater fish from the primary producer to the consumer. It included not only exporting but also the domestic handling and processing of freshwater fish.

Discussions resulting from the conference led to the establishment of the Inter-Governmental Committee on Marketing Organization for the Freshwater Fisheries. Subsequently, this committee became a Sub-Committee of the Federal-Provincial Prairie Fisheries Committee on Marketing Organization. The sub-committee concerned itself with the instability of prices and the demand for freshwater fisheries products. It also sought a means of improving returns to primary producers by more efficient marketing of fish products. Its recommendations that the federal government create a Freshwater Fish Export Authority — in effect a marketing board — for the Provinces of Ontario, Manitoba, Saskatchewan, Alberta and for the Northwest Territories led to the appointment of a public inquiry on the freshwater fish industry (*Report of Commission of Inquiry Into Freshwater Fish Marketing*, Ottawa, 1966, pp. vii-viii).

In 1969, the Government of Canada established the Freshwater Fish Marketing Corporation (R.S.C., 1985, c. F-13) to market and process freshwater fish landed by commercial fishermen in Manitoba, Saskatchewan, Alberta, the Northwest Territories and parts of Northwestern Ontario.

Hearings of the commission were held in Belleville, London, Sudbury, Sault Ste. Marie, Picton, Port Arthur, Kenora, Winnipeg, Gimli, Winnipegosis, Le Pas, Lynn Lake, Prince Albert, Meadow Lake, Edmonton and Hay River from 6 October to 10 December 1965. The commissioner also visited wholesalers, processors and retailers in New York, Detroit and Chicago. The commission received an undetermined number of written submissions from organizations and individuals.

Authority: Order in Council P.C. 1269, 9 July 1965, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the marketing problems of the freshwater fish industry in the Provinces of Ontario, Manitoba, Saskatchewan, Alberta, and the Northwest Territories and, in

particular, the Commissioner should consider and report upon: (1) the nature of the factors which give rise to the weakness of prices for freshwater fish, particularly in the export market; (2) the possibility of better coordination of production and supply in relation to demand to achieve more orderly marketing; (3) the possibility and desirability of establishing an export monopoly to achieve more efficient marketing and thus provide better returns to primary producers, taking into consideration the proposals which have been before the Federal-Provincial Prairie Fisheries Committee; and (4) any other relevant matters which in the opinion of the Commissioner should be included within the scope of the inquiry.

- Commissioner:** George H. McIvor.
- Secretary:** Roger W. Bedard.
- Records:** Correspondence, minutes of meetings, drafts of the Commissioner's report, reports on marketing and other aspects of the freshwater fish industry, submissions and transcripts of hearings.
- Also included are files of the Freshwater Fish Marketing Corporation which is a Crown corporation established in 1969 for the purpose of marketing and trading in freshwater fish, fish products and fish by-products.
- Consult finding aid 33/79-70.
- Additional References:** National Archives of Canada, photographic records, acc. no. 1978-158; Canada. Commission of Inquiry into Freshwater Fish Marketing. Thirteen photographs of freshwater fishing in Canada, ca. 1965.
- Report:** Undated. Tabled in the House of Commons on 17 October 1966. Sessional Paper No. 57a, 1966-1967. Printed as: *Report of Commission of Inquiry into Freshwater Fish Marketing* [Ottawa, 1966], xi, 130 p.

Title: Royal Commission on Bilingualism and Biculturalism, 1963-1971, 45.1 m (Vols. 1-222, microfilm reels C-4884 to C-4888 and one microfiche; acc. nos. 1974-75/039 and 1984-85/089, 117.3 m, boxes 1-424 and 1-90; also, includes electronic records)

Background: In an editorial in *Le Devoir* of 20 January 1962, André Laurendeau called for a royal commission on bilingualism and biculturalism. Laurendeau, who later became Co-Chairman of the royal commission, devoted his column to the question of "the participation of French Canadians in Confederation" and, in particular, in the federal civil service and related government agencies. The editorial, which suggested that an in-depth approach be taken to the problem, was very effective in arousing public interest. As Gérard Pelletier, a former journalist and Liberal Cabinet Minister, put it: Laurendeau "stated the problem clearly, persuasively, and calmly but without concealing the urgency of the action he recommended." The grievances cited by Laurendeau, along with those expressed by other French Canadians, who wanted among other things the cultural duality of Canada to be officially recognized, caused Lester B. Pearson to act. According to Patricia Smart, Pearson's motives were political:

"Then in opposition, the Liberals seized on the idea, partly as a means of recapturing the Quebec vote lost to Diefenbaker in 1957, but also because Liberal leader Lester B. Pearson and his advisors were convinced of the necessity of developing a new relationship with Quebec."

In the fall of 1962, Maurice Lamontagne, the Member of Parliament for Outremont-St-Jean, drafted a speech which Pearson delivered in the House of Commons on 17 December 1962. At that time, Pearson suggested that a comprehensive inquiry be undertaken, in consultation with the provinces, on the subject of bilingualism and biculturalism in Canada. Pearson said in part:

"It is now clear to all of us, I think, that French-speaking Canadians are determined to become directors of their economic and cultural destiny in their own changed and changing society ... they also ask for equal and full opportunity to participate in all federal government services, in which their own language will be fully recognized. This right flows from the equal partnership of confederation.

.... This means, I believe, that we have now reached a stage when we should seriously and collectively in this country review the bicultural and bilingual situation in our country, our experiences in the teaching of English and French, and in the relations existing generally between our two founding racial groups. In this review there should also be, in my view, every opportunity and every encouragement for Canadians, individually or in their associations and organizations to express their ideas on this situation. If they find it unsatisfactory they should suggest concrete measures to meet it

and to reach a better, more balanced participation of our two founding groups in our national affairs."

The reaction to Pearson's speech was generally favourable. Consequently, in April 1963, when the Liberals came to power, the appointment of a Royal Commission on Bilingualism and Biculturalism became a priority of the new administration. On 15 May, Prime Minister Pearson wrote to all the provincial premiers about the proposed terms of reference for the royal commission which were much wider than those suggested by Laurendeau. This was necessary because the inquiry would involve a study of education, which fell under provincial jurisdiction. Before these replies were made public, Lamontagne informed the House of Commons, on 12 June 1963, that a Cabinet committee had already been established to encourage bilingualism in the civil service. Then, on 10 July, the Prime Minister tabled in Parliament the letters he had exchanged with the provincial premiers about the proposed royal commission. Most premiers endorsed the terms of reference but the Premier of Alberta, E.C. Manning, had serious misgivings about them. Nonetheless, on 22 July, Pearson announced the appointment of the Royal Commission on Bilingualism and Biculturalism with Davidson Dunton and André Laurendeau as co-chairmen.

According to one historian, John T. Saywell, the mandate for the commission of inquiry was very imprecise:

"The terms of reference were deceptive; indeed many observers felt them to be too narrow, pointing out that the dimensions of the problem transcended what seemed to be the narrow confines of a survey of Bilingualism and Biculturalism.

.... The Commissioners felt they had been called upon to refashion the state, and not just its framework but its foundations. They made it clear in their first working paper that they were really less concerned with the narrow aspects of the Bilingualism and Biculturalism question than with the idea of equal partnership, which they described as the mainspring (l'idée-force) of the Commission and noted with some relish that (unlike even the Rowell-Sirois Commissioners) they were not even limited by the terms of the constitution." (See Gérard Pelletier, "The Kick-Off," *Language and Society*, Special Report on the 25th anniversary of the B and B Commission and the 20th anniversary of the *Official Languages Act*, Commission of Official Languages [Ottawa: Supply and Services Canada, 1989] Summer, 1989, p. R-9; John A. Munro and Alex I. Inglis, eds. *Mike: The Memoirs of the Right Honourable Lester B. Pearson*, Vol. 3, 1957-1968, Toronto, University of Toronto Press, 1975, pp. 67-69; John T. Saywell, "The Royal Commission on Bilingualism and Biculturalism," *International Journal*, Canadian Institute of International Affairs, Vol. XX, No. 3, Summer, 1965, pp. 378-382; and *The Diary of André Laurendeau*, written during the Royal Commission on Bilingualism and Biculturalism, 1964-1967. Selected with an introduction by Patricia Smart. Translated by Patricia Smart and Dorothy Howard, Toronto, James Lorimer and

Company, Publishers, 1991, pp. 1-11 and 18-29.)

A preliminary hearing was held in Ottawa from 7 to 8 November 1963. Meetings were also held with the 10 Provincial Premiers and the Ministers of Education from January to March 1964. In addition, regional meetings were held in 23 centres across Canada from 18 March to 16 June 1964. Finally, hearings of the commission were held in Moncton, Halifax, Quebec City, Montreal, Ottawa, Toronto, Winnipeg, Regina, Edmonton and Vancouver from 1 March 1965 to 16 December 1965. The commission received over 400 submissions.

Authority: Order in Council P.C. 1106, 19 July 1963, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution; and in particular:

- (1) to report upon the situation and practice of bilingualism within all branches and agencies of the federal administration (including Crown corporations) and in their communications with the public and to make recommendations designed to ensure the bilingual and basically bicultural character of the federal administration;
- (2) to report on the role of public and private organizations, including the mass communications media, in promoting bilingualism, better cultural relations and a more widespread appreciation of the basically bicultural character of our country and of the subsequent contribution made by the other cultures; and to recommend what should be done to improve that role; and
- (3) to discuss with the provincial governments the opportunities available to Canadians to learn the English and French languages and to recommend what could be done to enable Canadians to become bilingual.

Commissioners: André Laurendeau and Arnold Davidson Dunton, Co-Chairman; Rev. Clément Cormier, Royce Frith, Jean-Louis Gagnon, Gertrude M. Laing, Jean Marchand, Jaroslav Bohdan Rudnycky, Frank Reginald Scott and Paul Wyczynski.

On 22 November 1965, Paul Lacoste was appointed Commissioner to replace Jean Marchand who had resigned on 21 September. On 8 October 1968, Jean-Louis Gagnon was appointed Co-Chairman and André Raynauld, Commissioner, following the death of André

Laurendeau on 1 June (Orders in Council P.C. 2074, 22 November 1965 and P.C. 1926, 8 October 1968).

Secretaries: Paul Lacoste and Neil M. Morrison.

Records (Textual): Submissions, transcripts of hearings and supporting documentation, research files and working papers, administrative files, newspaper clippings, minutes of meetings of the Commissioners, draft reports of the commission, and related material.

The transcripts of hearings are also available on microfilm.

Consult finding aid 33/80-71 (parts 1-9) and a card index which is on microfiche.

Records (EDP): Thirty-eight data files containing survey information produced for the royal commission through contracts with social science researchers. These records cover a wide variety of subjects including: bilingual positions, recruitment and translation services in federal government departments and agencies; the use of the French and English languages in the federal public service and in the public service of New Brunswick, Quebec, Ontario and Manitoba; social and economic adjustment of Italians in Montreal and in Edmonton; and attitudes of French-speaking and English-speaking managers in large and small industries (RG 30/80, acc. nos. G0000001-G0000003; G0000005-G0000018; G0000025-G0000032; G0000306; G0000343-G0000345; G0000497; G0000499; G0000501; G0000503; G0000505; G0000507; and G0000532-G0000534).

Additional References: National Archives of Canada, Royal Commission on Bilingualism and Biculturalism. Cartographic and architectural records. Hogg, J.M., Montreal Population, 1961: a study in four volumes undertaken by the Royal Commission on Bilingualism and Biculturalism, under contract with the Department of Geography, McGill University. 1 September 1965. Atlas (4 vols.) G1144. M6E1M3, 1965, fol. v.1-4. For a variant of map 152 in Vol. II see J.M. Hogg. Italian proportional population 1961. H3/340, Montreal, 1961 (1965).

National Archives of Canada, Royal Commission on Bilingualism and Biculturalism. Audio-visual records. Audiotapes of hearings, seminars, press conferences, interviews and radio and television programs relating to the commission, 1963-1969, approx. 140 h, acc. no. 1970-0012; audiotapes of CBC television program, "The Public Eye," which is about the 1965 election campaign, approx. 29 mn, acc. no. 1971-0011; audiotapes of radio news reports and programs, press conferences and interviews with some of the Commissioners, 1967-1969, approx. 10 h, acc. no. 1971-0037; and film on the headquarters of the commission, 1970, approx. 34 mn, acc. no. 1973-0139.

National Archives of Canada, photographic records, acc. no. 1971-107: Canada. Royal Commission on Bilingualism and Biculturalism. Ninety-one photographs of individual members of the Royal

Commission on Bilingualism and Biculturalism, 1970.

Foundation Lionel-Groulx, Centre de recherche Lionel-Groulx, Outremont, Quebec, André Laurendeau Papers, 1963-1967, 10.6 m, reports, proceedings, resolutions and other material relating to the Laurendeau-Dunton Commission.

Reports:

Preliminary Report. Dated 1 February 1965. Tabled in the House of Commons on 25 February 1965. Sessional Paper No. 354, 1964-1965. Printed as: *Preliminary Report of the Royal Commission on Bilingualism and Biculturalism*, [Ottawa, Queen's Printer, 1965], 217 p.

Volume 1. Dated 8 October 1967. Tabled in the House of Commons on 5 December 1967. Sessional Paper No. 254, 1967-1968. Printed as: *Report of the Royal Commission on Bilingualism and Biculturalism. General Introduction. Book I, The Official Languages*, [Ottawa, Queen's Printer, 1967], lii, 212 p.

Volume 2. Dated 23 May 1968. Tabled in the House of Commons on 9 December 1968. Sessional Paper No. 257, 1968-1969. Printed as: *Report of the Royal Commission on Bilingualism and Biculturalism. Book II: Education*, [Ottawa, Queen's Printer, 1968] xxii, 350 p.

Volumes 3A and 3B. Dated 19 December 1969. Tabled in the House of Commons on 17 December 1969. Sessional Paper No. 282-1/102, 1969-1970. Printed as: *Report of the Royal Commission on Bilingualism and Biculturalism. Book III: The Work World*, [Ottawa, Queen's Printer, 1969], 576 p.

Volume 4. Dated 23 October 1969. Tabled in the House of Commons on 15 April 1970. Sessional Paper No. 282-4/102A, 1969-1970. Printed as: *Report of the Royal Commission on Bilingualism and Biculturalism. Book IV: The Cultural Contribution of the Other Ethnic Groups*, [Ottawa, Queen's Printer, 1970], xxvi, 352 p.

Volume 5. Dated 14 February 1970. Tabled in the House of Commons on 25 June 1970. Sessional Paper No. 282-4/101B, 1969-1970. Printed as: *Report of the Royal Commission on Bilingualism and Biculturalism. Book V: The Federal Capital; Book VI: Voluntary Associations*, [Ottawa, Queen's Printer, 1970], xv, 234 p.

According to Neil Morrison, who served as Co-Secretary of the Royal Commission on Bilingualism and Biculturalism, the Commissioners planned to publish a volume on constitutional issues. Apparently, due to the death of André Laurendeau, it was not written.

Related Publications:

Over 180 published and unpublished research studies, including a number of essays, prepared for the royal commission are available in the National Archives Library. For a list of them, which includes catalogue numbers, see finding aid 33/80-71, part 9. Moreover,

about 125 of these research studies were microfilmed by the Canadian Library Association. Several institutions have obtained sets of this film, including the National Library of Canada which holds these, and other research studies of the commission both in printed and typescript form.

Hugh R. Innis, ed. *Bilingualism and Biculturalism: An Abridged Version of the Royal Commission Report*, Toronto, McClelland and Stewart, 1973. (Published in cooperation with the Secretary of State and Information Canada.)

Title: Commission to Inquire into the Problems of Marketing Salted and Cured Fish Produced in the Atlantic Provinces, 1964-1965, .3 m (Vols. 1-3)

Background: From 24 to 27 September 1962, the Government of Newfoundland held a Fisheries Conference. The conference adopted a resolution which resulted in the appointment of the Newfoundland Fisheries Commission. This commission, which reported 17 April 1963, investigated the state of the fisheries and made recommendations for improving the industry.

About the same time, the Government of Newfoundland commissioned specialists in the fields of fisheries and agriculture to make a detailed study of fisheries policy. As a result, in February 1963, the Government of Newfoundland published a study, entitled *National Fisheries Development*, which called for the creation of a comprehensive fisheries development program. It was their opinion that:

"the critical problems lie rather in the basic difficulties of any primary industry, that is, in the deficiencies in market development, orderly marketing and price stability; in the need for improvements in product quality; in the great deficiency in, and indeed in the almost total absence of, credit and in lack of equipment and technology that credit could buy; and in the need for rural community development in an industry undergoing rapid adjustment and painful change."

As a means of dealing with these problems, the *National Fisheries Development* study, which was submitted to the Government of Canada, went on to make the following recommendation:

"We ask therefore that immediate action be taken to initiate the necessary federal study and legislation and to coordinate arrangements with participating provinces, for a marketing and price stabilizing agency to serve the interests of salted fish producers in a manner similar to that of the Canadian Wheat Board in serving the Prairie wheat farmers."

The *National Fisheries Development Study* incorporated many suggestions and recommendations which were also included in the *Report and Recommendations of the Newfoundland Fisheries Commission to the Government of Newfoundland* of April 1963.

Further, in January 1964, the Government of Canada convened a Federal-Provincial Conference to discuss the creation of a national policy on salt fisheries along the lines that had been proposed by the Government of Newfoundland. At this conference the Government of Newfoundland once again recommended the creation of a national marketing agency for salt fish. It wanted to create an organization that would result in orderly marketing of salt fish and would stabilize prices to producers, reduce the market risks of processors and

achieve the systematic delivery of a quality product to export markets.

The salting of fish as a means of preservation for export is one of Canada's oldest industries. Large quantities of salt fish have been exported from the Atlantic Provinces and Quebec to the Caribbean, Spain, Portugal, Italy and other countries for many years. For example, Canada's exports of salted and cured fish for the year 1963, which exceeded 135 million pounds, was valued at more than 25 million dollars.

Mainly as a result of the initiatives taken by the Government of Newfoundland, on 29 October 1964, the Government of Canada passed an Order in Council appointing a "Commission to Inquire into the Problems of Marketing Salted and Cured Fish Produced in the Atlantic Provinces" (the *Daily News*, St. John's, 13 November 1964; National Archives of Canada, Records of Royal Commissions, RG 33/81, Vol. 1, file ASFC-10, *National Fisheries Development, A Presentation to the Government of Canada by the Government of Newfoundland*, St. John's, February 1963, and Brief to the Federal Government Commission of Inquiry into Salt Fish Marketing by the Department of Economic Development, ARDA Division, 14 January 1964).

In 1970, the government established the Canadian Saltfish Corporation (R.S.C., 1985, c. S-4) to improve the earnings of fishermen and other producers of salt-cured fish, through production or purchase, processing and marketing of salt cod.

Hearings of the commission were held in St. John's, Halifax, Fredericton and Quebec City from 1 February to 15 February 1965. The commission received an undetermined number of submissions from provincial governments, associations representing the industry and fishermen.

Authority:

Order in Council P.C. 1672, 29 October 1964, under the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister. The part of the *Act* under which this inquiry is established is not indicated in the Order in Council.

Terms of Reference:

To inquire into and report upon the export marketing problems of the salt fish industry in the Atlantic provinces, with particular reference to:

- (1) the advisability of establishing a Sales Agency or Board to control exports of cured fish from the Atlantic provinces, having regard to:
 - (a) the market demand for, and competition among different forms of utilization for landings of cod and other species;

(b) the competition that exists between salted cod and other salt fish products in world markets, and ways and means of improving the efficiency of the salt fish industry and of increasing returns to primary producers in the context of the overall economic development of the area;

(2) any other relevant matter which in the opinion of the Commissioner, should be included within the scope of the inquiry.

Commissioner: Donovan B. Finn.

Secretary: Roger W. Bedard.

Records: Briefs and other presentations from the Atlantic Provinces and Quebec, correspondence, working papers, transcripts of hearings and a copy of the report of the commission.

Consult finding aid 33/81-79.

Report: Undated. Not tabled in the House of Commons. Printed as: *Report. Atlantic Salt Fish Commission* [Ottawa, n.d.], x, 170 p.

Related Publications: A bibliography is included in the *Report. Atlantic Salt Fish Commission*.

Title: Commission to Inquire into and Report Upon the Recent Defalcations in the Department of Militia and Defence, and into the Methods of Keeping the Accounts in the Several Departments of the Government, Particularly in Relation to the Issuing of Cheques and the Receipt and Disposal of Public Moneys, 1901-1903, .1 m (Vol. 1)

Background: On 1 August 1901, Mr. Martineau started work in the Accountant's Branch of the Department of Militia and Defence and by October 1901, he was drawing cheques against the departmental letter of credit at the Bank of Montreal.

Under the letter of credit system, the government cheques, upon presentation to the bank, were paid from the funds of the bank. In turn, the bank was reimbursed the correct amount by the Receiver General of Canada.

In Martineau's case, money was obtained from the Bank of Montreal on forged cheques. When the bank sent its monthly statement of the Department of Militia and Defence to the Accountant's Branch, Martineau apparently destroyed the cancelled cheques and handed over the statement to another officer in that branch to verify. It appears that this officer signed the bank statement on Martineau's word that it was correct.

In January 1903, the Assistant Accountant of the Department of Militia and Defence noticed that the bank's balance was substantially less than the balance shown in the ledgers of the department. Upon further investigation, the Accountant discovered that the statements furnished by the bank, for the period from December 1901 to December 1902, were missing and that a total amount of \$75,705 had been charged by the Bank of Montreal for which no cheques had been drawn by the department.

It was also discovered that Martineau had opened three bank accounts in Ottawa; one in his own name, and two in the fictitious name of Chas. D. Coté. For each account, he was registered as Paymaster for the Department of Militia and Defence. After the discovery, Martineau was arrested and a sum of \$12,443.77 was found on him. A smaller amount was obtained from him later but the greater part of the money he had taken was lost on stock speculations.

Because of the misappropriation of funds, the Government of Canada appointed a commission of inquiry, on 6 March 1903, to examine the accounting procedures of government departments for the collection and disbursement of government funds (*Report of the Commission to Inquire into the Martineau Defalcation*. Ottawa, King's Printer, 1903).

From 6 March to 15 June 1903, the Commissioners investigated the accounting practises of the various departments of the Government of Canada.

Authority: Order in Council P.C. 350, 6 March 1903, under *An Act Respecting Inquiries Concerning Public Matters*, (R.S.C., 1886, c. 114) and on the recommendation of the Minister of Finance.

Terms of Reference: To inquire into all the circumstances connected with the recent defalcations in the Department of Militia and Defence, and into the methods of keeping the accounts in the several departments of the government, particularly in relation to the issuing of cheques and the receipt and disposal of public moneys, and to report what changes, if any, are deemed advisable for the purpose of securing the fullest possible protection of the public interest.

Commissioners: John Mortimer Courtney, George Burn and Ambrose Leonard Kent.

Records: Evidence presented to the commission by various departments of the Government of Canada, drafts and typescript of the report of the commission, memoranda and statements concerning the accounting methods of several departments and related papers.

Consult finding aid 33/82-80.

Report: Undated. Tabled in the House of Commons on 15 June 1903, Sessional Paper No. 29b, 1903. Printed as: *Report of the Commission to Inquire into the Martineau Defalcation & c.*, Ottawa, King's Printer, 1903, 13 p.

Related Publications: *Supplementary Report of the Auditor General on the Findings of the Martineau Commissioners*. Ottawa, King's Printer, 1903, 7 p. House of Commons, Sessional Paper No. 29c, 1903.

Correspondence with the Auditor General re Treasury Board Regulations arising from the Martineau Defalcations. Ottawa, King's Printer, 19 p, House of Commons, Sessional Paper No. 29d, 1903.

Title: Commission to Inquire into the Public Service, 1857-1892 and 1911-1913, 1.8 m (Vol. 1-18)

Background: During the federal election of 1911, Robert Borden, the Leader of the Opposition, promised, if elected, to undertake "the extension of civil service reform." When Borden came to power later that year, he called for a more complete inquiry on the civil service than that which had been carried out by the Courtney Commission of 1907. As a result of that inquiry, in 1908, the Laurier administration had created the Civil Service Commission. It also established the "merit principle" (the selection and promotion of civil servants based on competitive examinations) for the "Inside Service," or for that part of the civil service located in the Ottawa area. But, the Commissioners appointed in 1912 concluded that other areas of the civil service had been ignored:

"the administrative machinery of the Dominion as a whole has never been reported on or reorganized; nor have the various parts been considered in relation to the whole. Owing to the great development of the country exigencies have arisen from time to time, and services have been created to meet these exigencies, but no organized effort has been made to coordinate these services with the various Departments of the Public Service as a whole, and assign to each its proper status and duties in the general machinery of the administration."

By appointing a public inquiry on the civil service, the Borden administration apparently hoped that some of the inefficiencies of the previous administration might be revealed. According to the Order in Council establishing the commission of 21 December 1911, the object of the inquiry was to:

"obtain such information as will enable any existing defects or abuses to be remedied, secure the adoption of more efficient methods, remedy any existing abuses and more thoroughly safeguard the public interest" (R. Craig Brown, *Robert Laird Borden. A Biography*. Volume I: 1854-1914. Toronto, MacMillan, 1975, pp. 211-214; *The Canadian Annual Review*, 1912, pp. 204-205; Order in Council P.C. 2928, 21 December 1911; National Archives of Canada, Records of Royal Commissions, RG 33/83, Vol. 12, newspaper clippings relating to the Public Service).

Hearings of the commission were held in Halifax, Charlottetown, Saint John, Sorel, Montreal, Ottawa, Saskatoon, Regina, Edmonton, Calgary, Victoria, Vancouver and New Westminster from 19 January to 17 August 1912.

Authority: Order in Council P.C. 2928, 21 December 1911, under Part I of the *Inquiries Act* (R.S.C., 1906, c.104) and on the recommendation of the Prime Minister.

Terms of Reference:	To inquire into and report upon all matters connected with or affecting the administration of the various departments of the government and the conduct of the public business therein and especially the following matters: (1) the methods employed in the transaction of public business; (2) the control of appropriations and expenditure; (3) the construction and maintenance of public works and the carrying on of dredging operations; (4) the administrative methods and operations of the chief spending departments; (5) the administration and alienation of the public domain; (6) the discipline and efficiency of the departmental staffs; (7) the duplication of the same or similar work in two or more departments; and any other matters within the scope of the inquiry on the operation of the <i>Civil Service Act</i> and Related Legislation of 1907.
Commissioners:	Alfred Bishop Morine, Chairman; Guillaume Narcisse Ducharme and Richard Stuart Lake. Morine resigned from the commission effective 1 June 1912 (Order in Council P.C. 1491, 30 May 1912).
Secretary:	H.V. Rorke.
Records:	Transcripts of hearings, correspondence, working papers, draft reports of the commission, information on the civil service in England, records relating to the Sorel shipyard, the Department of Public Printing and Stationery and government dredging contracts. Consult finding aid 33/83-81.
Report:	Dated 9 November 1912. Tabled in the House of Commons on 9 December 1912, Sessional Paper No. 57, 1913. Printed as: <i>Public Service Commission, 1912. Report of the Commissioners</i> . Ottawa, King's Printer 1913, 3 vols., 1449 p. (Volume I consists of the report of the commission and Vols. II and III contain transcripts of hearings of the commission.)
Related Publications:	<i>Civil Service Commission 1908. Report of the Commissioners</i> . Ottawa, King's Printer, 1908, 275 p.

Title: Commission to Inquire into and Report Upon the Circumstances Surrounding the Crash of a Douglas DC 8F Aircraft, Registration CF-TJN, at Ste-Thérèse, Québec on the 29th day of November, 1963, 1963-1964, 1.2 m (Vols. 1-12)

Background: On 29 November 1963, a Douglas DC-8F aircraft, owned by Trans-Canada Air Lines, was on a flight from Montreal to Toronto with a scheduled departure from Dorval International Airport at 6:10 p.m., Eastern Standard Time. Due to the slowness of ground transportation from Montreal to the airport, the departure of Flight 831, as it was known, was delayed several minutes. At that time, the weather in Montreal was overcast, with light rain and fog, and with a visibility of four miles. The surface wind was north-east at twelve miles per hour.

The first stage of the flight from Dorval was via the St. Eustache omni range station. Flight 831 was cleared by air traffic control and started its take-off on runway number six at approximately 6:28 p.m. The aircraft crew had instructions to report in at 3,000 and 7,000 feet on the climb-out. Communications confirmed that the aircraft reported in at 3,000 feet as instructed. Then, it acknowledged a clearance for a left turn to St. Eustache. This was the last radio contact with the flight. The turn was monitored on air traffic control radar to a point approximately eight nautical miles from the airport, but shortly thereafter, it disappeared from view. At that time a rain clutter was observed on the radar screen.

Flight 831 crashed at approximately 6:33 p.m. with the loss of all 111 passengers and a crew of seven on board.

The scene of the crash was about four miles north of Ste-Thérèse de Blainville, to the west of Highway 11, and about 16.9 miles from Dorval Airport, as the crow flies.

Due to the heavy loss of life, and the complete destruction of the aircraft, the Department of Transport conducted a large scale investigation. It employed six working groups under the direction of the Chief, Accident Investigation Division. Each group was assisted by technical experts from various fields of aeronautics. The investigation included the recovery of human remains, aircraft salvage, the interrogation of witnesses, a study of the engines of the aircraft and its structures as well as human factors.

On 25 September 1964, after the Department of Transport completed its investigation, the House of Commons was informed that the Minister of Transport, J.W. Pickersgill, had decided to hold a public inquiry into the accident as well. On 8 October, the Government of Canada formally established the commission of inquiry into the circumstances surrounding the airplane crash (House of Commons, *Debates*, 25 September 1964, p. 8426 and National Archives of Canada, Records of Royal Commissions, RG 33/84,

Vol. 7, Department of Transport, Civil Aviation Division, Summary Accident Report, 1963, and the Challies Report, 1965).

Hearings of the commission were held in Montreal from 9 November to 8 December 1964 and in Ottawa on 9 June 1965. The commission filed 78 exhibits.

Authority: Order in Council P.C. 1544, 8 October 1964, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the circumstances surrounding the crash of a Douglas DC-8F Aircraft, Registration CF-TJN, at Ste-Thérèse, Québec, on 29 November 1963, when on a flight from Montreal to Toronto and in particular upon: (a) the cause or causes that occasioned or may have occasioned the crash; and (b) whether the crash was occasioned by any breach or breaches of the *Aeronautics Act* (R.S.C., 1952, c. 2) or the Air Regulations or any order or direction made pursuant thereto.

Commissioner: George Swan Challies.

Records: Reports and data of the Structures Group, the Systems Group, the Operations Group, including statements of witnesses, the Human Factors Investigation, the Powerplant Committee and the Records and Documents Group. Also included are exhibits, the Summary Accident Report of the Department of Transport, drafts of the Commissioner's report, submissions of Trans-Canada Air Lines and the Canadian Airline Pilots Association, transcripts of hearings of the commission and related records.

Consult finding aid 33/84-82.

Additional References: National Archives of Canada, Royal Commission of Inquiry into the Crash of Trans-Canada Airlines DC-8F Aircraft, CF-TJN at Ste-Thérèse de Blainville, Quebec. Audio-visual records. Exhibits consisting of audiotapes of radio communications between the aircraft and the control tower of Dorval Airport, approx. 25 h, acc. no. 1969-0015.

National Archives of Canada, Records of Air Canada, RG 70, Vols. 132, 243, 249 and 250. Messages of condolence and newspapers clippings concerning the airplane accident at Ste-Thérèse, Quebec.

National Archives of Canada, Records of the Department of Transport, RG 12, Vols. 1814-1815, file 5002-2147-4 to 5002-2147-13. Information relating to the Structures Group, the Powerplant Group, the Operations Group and personnel involved in the Challies inquiry. Also included is correspondence of the Chief Accident Investigator, the Planning and Advisory Committee and the Douglas Aircraft Company. In addition, there are records of the Civil Aeronautics Board on the crash of a DC-8 in New Orleans in 1964, and a progress report on the crash at Ste-Thérèse in 1963.

Report:

Dated June 1965. Not tabled in the House of Commons. Printed as:
*Report of Commission of Inquiry into Crash of Trans-Canada Air
Lines DC-8F Aircraft CF-TJN at Ste Thérèse de Blainville, P.Q., on
November 29th, 1963*, [Ottawa, 1965], 41 p.

- Title:** Commission to Investigate Complaints made by Walter H. Kirchner, M.C., D.C.M., Secretary, Canadian Combats Veterans Association, Inc., Vancouver, British Columbia, Regarding Pension and Treatment Services with Respect to Certain Cases Concerning which Mr. Kirchner has made Representations, 1947-1948, .1 m (Vol. 1)
- Background:** In 1947, Mr. Walter H. Kirchner, Secretary, Canadian Combat Veterans Association, Inc., Vancouver, British Columbia, sent a circular letter to Members of Parliament in which he charged the Canadian Pension Commission with maladministration in its assessment of disabilities of war veterans. Kirchner also questioned the adequacy of treatment services for disabled veterans especially at the Shaughnessy Hospital in Vancouver.
- Kirchner's charges, concerning the cases of 63 veterans, were of such a serious nature that a number of Members of Parliament wanted the Government of Canada to investigate them.
- After a debate in the House of Commons on 16 July 1947, Ian MacKenzie, the Minister of Veterans Affairs, suggested that a committee composed of three Members of Parliament, who were also medical doctors, meet before the next session to investigate and report on Kirchner's charges. Further, Tom Bentley, Member of Parliament for Swift Current, recommended that an additional member be named to the proposed committee from the Co-operative Commonwealth Federation (the CCF Party).
- As a result of Kirchner's allegations, on 4 December, the Government of Canada formally established a public inquiry to investigate them (House of Commons, *Debates*, 16 July 1947, p. 5769 and National Archives of Canada, Records of Royal Commissions, RG 33/85, Vol. 1, summaries of cases of disabled veterans about whom Kirchner made representations and related records).
- Hearings of the commission were held in Ottawa, Vancouver and while the Commissioners were travelling from Ottawa to Vancouver, from 4 December 1947 to 9 March 1948.
- Authority:** Order in Council P.C. 4980, 4 December 1947, under Part I of the *Inquiries Act* (R.S.C., 1927, c. 99) and on the recommendation of the Minister of Veterans Affairs, Amended by Order in Council P.C. 75, 8 January 1948.
- Terms of Reference:** To inquire into and report upon complaints made by Walter H. Kirchner, Esq., M.C., D.C.M., Secretary, Canadian Combat Veterans Association, Inc., Vancouver, B.C., regarding pension and treatment services, with particular reference to: (1) the adequacy of the treatment provided by the Department of Veterans Affairs with respect to the cases concerning which Mr. Kirchner has made representations; (2) the qualifications and competence of

Departmental doctors treating these cases; and (3) the adequacy of pension consideration given to the cases concerning which Mr. Kirchner has made representations.

Commissioners: James Joseph McCann, Chairman; Moses Elijah McGarry, Vice Chairman, John Oliver Probe, William Gourlay Blair and Robert Henry Winters. Winters was appointed a Commissioner on 8 January 1948 in place of McCann, who was unable to accompany the Commissioners to Vancouver (Order in Council P.C. 75, 8 January 1948).

Secretary: F.L. Barrow.

Records: Transcripts of hearings held in Vancouver, correspondence, memoranda, minutes of meetings, press releases, newspaper clippings, extracts from *Hansard*, drafts and a copy of the report of the commission, and summaries of cases of disabled veterans about whom Kirchner had made representations.

There is no finding aid for this material.

Report: Undated. Tabled in the House of Commons on 9 March 1948. Sessional Paper No. 131 i, 1947-1948. Typescript entitled "Report Of Commission Appointed Under The Provisions Of Part I of the *Inquiries Act* By Order In Council P.C. 4980 Dated December 4, 1947, As Amended By Order in Council P.C. 75, Dated January 8, 1948," 24 p. (National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 527).

Title: Royal Commission to Investigate Charges of Political Partisanship in the Department of Soldiers' Civil Re-establishment, 1926-1927, .3 m (Vols. 1-3)

Background: On 8 May 1928, the Minister of Soldiers' Civil Re-establishment, James H. King, tabled affidavits in the House of Commons alleging political partisanship by employees of the Christie Street Hospital in Toronto.

The allegations concerned dismissals of employees who supported the Liberal Party. It was alleged, for example, that since 1922 six out of nine Liberal employees in the Employment Bureau of the hospital were dismissed, but only one Conservative; that 10 members of the medical staff dismissed since 1921 were Liberal supporters; and that disparities existed in the salaries of Liberal supporters, as opposed to Conservatives, in the Employment Bureau, the Medical Unit, and the Surgical Unit. In one instance, some employees in the Surgical Unit claimed that since 1920 Liberal supporters received about \$450 less a year than Conservative ones.

Partiality for supporters of the Conservative Party was further evidenced by statements of two doctors of the surgical staff. They told of an abortive attempt by some patients and orderlies to disrupt a Liberal meeting in the riding of North York where the Prime Minister was a candidate. At that time, employees of the hospital were warned about the consequences of engaging in political partisanship.

Acts of partisanship also seemed evident in the administration of "D" Unit of the hospital. In his report, Commissioner Hunter elaborated on these charges:

"It has been steadily forced on my attention that there is by these employees believed to have been a system at work during the last six years which has been operating for the remorseless attrition of Liberal employees of the department."

The Government of Canada, which maintained that these charges of political partisanship constituted "engaging in partisan work," within the meaning of Section 32 of the *Civil Service Act* (R.S.C., 1927, c. 22) ordered an investigation be made into them (*Report of Royal Commission Appointed to Investigate Charges of Political Partisanship in the Department of Soldiers' Civil Re-establishment*. Ottawa, King's Printer, 1928 and Sessional Paper No. 118b, 1928, RG 14, D2, Vol. 178).

In-camera hearings of the commission were held in Toronto, London and Ottawa from 14 July to 14 November 1927.

- Authority:** Order in Council P.C. 1293, 30 June 1927, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104), and on the recommendation of the Acting Prime Minister.
- Terms of Reference:** To inquire into and report upon charges of political partisanship in the service of the Department of Soldiers' Civil Re-establishment at Toronto, London and Ottawa, the procedure to be in accordance with the terms of Order in Council P.C. 1467, 22 July 1922, as amended by P.C. 2125, 16 October 1922.
- Commissioner:** Alfred Taylour Hunter.
- Records:** Transcripts of hearings, arguments of counsel, written arguments in reply to complaints of Lt. Col. G.F. Morrison, Dr. S.R.D. Hewitt and Dr. B.T. McGhie, and a typescript of the report of the Commissioner.
- Consult finding aid 33/86-83.
- Additional References:** National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 178, Sessional Paper No. 118b, 1928). Return to an order of the House of Commons, dated 11 April 1928, showing charges against officials of the Department of Soldiers' Civil Re-establishment.
- National Archives of Canada, W.L.M. King Papers, MG 26, J1, Vol. 144, pp. 122414, 122650-652; Vol. 147, pp. 125194-201, 125505-506; and Vol. 152, pp. 129851-853, all contain correspondence concerning the Department of Soldiers' Civil Re-establishment, 1927-1928; Vol. 153, pp. 130244-306 contains a typescript of the report of the inquiry into that department signed by A.T. Hunter, 1928; and MG 26, J4, Vol. 68, file 470, contains transcripts of hearings of the inquiry.
- Report:** Dated 10 January 1928. Tabled in the House of Commons on 20 February 1928. Sessional Paper No. 118, 1928. Printed as: *Report of the Royal Commission Appointed to Investigate Charges of Political Partianship in the Department of Soldiers' Re-establishment*. Ottawa, King's Printer, 1928, 31 p.

Title: Commission to Inquire into and Report Upon the Problem Relating to the Future of the Aircraft Overhaul Base Maintained by Trans-Canada Air Lines at Winnipeg International Airport and into the Possibility of Maintaining and Increasing Employment at the Said Base, 1957-1966, .7 m (Vols. 1-7)

Background: On 31 May 1957, the consulting firm of Wallace Clark and Company (Canada) Limited recommended to Trans-Canada Airlines (TCA) that all its overhaul facilities for turbine powered aircraft be consolidated at Dorval Airport. A consolidation would mean the end of Stevenson's Field (near Winnipeg) as an aircraft overhaul and maintenance centre. Due to the lack of disclosure of the full Wallace Clark report, however, the consequences of this recommendation were not understood at that time.

At stake were the jobs of nearly 1,000 Winnipeg employees. Besides, the closure would have an effect on a variety of technical trades particularly in electronics.

On 11 March 1958, J.T. Bain, Director of Engineering and Maintenance for TCA, wrote to N.A. Radford, Chairman, Airline Lodge 714, Winnipeg, regarding plans for the overhaul base. Again, the information given out, regarding the future of the base, was not made clear. According to the Report of the Royal Commission of 1966, which studied this issue, it is obvious that:

"The ... answers were not wholly responsive to the questions asked and appeared more intended to allay fears as to the future of the Winnipeg base than to provide frank information concerning the plans of AC [Air Canada] limiting that future."

In a letter to personnel, dated 14 November 1962, the President of TCA, G.R. McGregor, was more forthcoming. McGregor wrote:

"it is quite possible that the Viscount fleet will start to dwindle in numbers, perhaps quite rapidly, early in 1966. From the foregoing, you will realize that TCA's most probable next purchase of a new aircraft type will be a short-medium range jet, and that the major maintenance and overhaul of such aircraft, its power plants and components, will be engineered into Dorval, not Winnipeg, in conformity with the original planning, and the dictates of economic common sense."

Finally, there was a clear statement by TCA of its intention to close the overhaul base in Winnipeg. The failure of TCA to warn its employees in 1957 about the closure meant that the matter did not come to a head for several years. As the report of the Commission of Inquiry put it:

"In retrospect it would appear that disclosure in 1957 of the Wallace Clark report contents in so far as they related to the future of the

Winnipeg o/h base; coupled with a frank indication of the long range intentions of AC in that regard, while it might have caused an immediate storm, might also have brought about a much earlier solution of the base problem than now will be the case."

In response to McGregor's letter of November 1962, TCA hired the firm of R. Dixon-Speas Associates, in March 1963, to: "examine the economic merits of the Company's planning with respect to the Dorval and Winnipeg bases." Their report, of August 1963, once again recommended that the aircraft and engine overhaul base at Winnipeg be closed and that all airframe and engine overhaul work be consolidated at Dorval.

After the Speas report was released, protests especially from Manitoba poured into Ottawa. On 17 December 1963, Prime Minister Pearson stated in the House of Commons that he would discuss the possibility of setting up a public inquiry on the subject of the overhaul base with Premier Roblin of Manitoba. Several months later, on 11 June 1964, the Government of Canada established a royal commission to study and report on the overhaul base (*Canadian Annual Review*, 1965, pp. 162-163 and *Report of Commission of Inquiry as to the Future of the Air Canada Overhaul Base at Winnipeg International Airport and Related Matters* [Ottawa, 1966], pp. 19-29).

Hearings of the commission were held in Montreal and Winnipeg from 19 January to 13 May 1965. The commission filed 39 submissions and 105 exhibits. In addition, a number of communications, resolutions and letters were received from cities, towns, villages and rural municipalities both in Manitoba and Quebec.

Authority:

Order in Council P.C. 857, 11 June 1964, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154), and on the recommendation of the Prime Minister.

Terms of Reference:

To inquire into and report upon the problem relating to the future of the aircraft overhaul base maintained by Trans-Canada Air Lines at Winnipeg International Airport and into the possibility of maintaining and increasing employment at the said base, with particular reference to: (a) The report prepared for Trans-Canada Air Lines by Dixon-Speas Associates on the overhaul, stores and base facilities at Winnipeg and Montreal International Airports, including the examination of the working papers used in its preparation and the examination of Dixon-Speas Associates and of the officers of Trans-Canada Air Lines and of the Government of Canada who participated in or provided information for the preparation of the report; (b) the Wallace Clark Report and supporting material on the relative cost of providing overhaul and maintenance facilities for DC-8 Jets and Vikings at Montreal as against the cost of providing such facilities at Winnipeg; (c) the plans of Trans-Canada Air Lines for the future of the overhaul and maintenance base of Trans-Canada Air Lines at Winnipeg and Montreal International Airports; (d) the

practicability of using the Winnipeg aircraft overhaul base of Trans-Canada Air Lines for the overhaul and maintenance of all, or part, of the new DC-9 or other aircraft which Trans-Canada Air Lines may acquire, including a review of the developments which have occurred since the Dixon-Speas Report and which would affect the possible use of the said base for the overhaul and maintenance of DC-9, Vanguard or Viscount aircraft; (e) the future of aircraft overhaul and maintenance facilities at Winnipeg and, in particular, of the facilities of Trans-Canada Air Lines at Winnipeg, in the light of the announced intention of the Government of Canada to encourage the development of regional air carriers and to seek increased Canadian participation in international air traffic; and (f) relevant matters which may in the course of the inquiry arise which, in the opinion of the Commissioner, should be included within the scope of the inquiry.

Commissioner: Donald Alexander Thompson.

Secretary: Robert E. Moffat.

Records: Transcript of hearings, exhibits and a copy of the report of the commission.

Consult finding aid 33/87-84.

Additional References: National Archives of Canada, Records of Air Canada, RG 70, Vols. 137-138, file 120-50-04, 1949-1965, background material, correspondence, minutes of union-management meetings, employment data, economic data and press clippings relating to TCA's overhaul base at Winnipeg; RG 70, Vols. 178-179, 1957 and 1963, material on the report of Wallace Clark and Company, 1957, and the report of R. Dixon-Speas Associates, 1963; RG 70, Vol. 220, file 1560-6-5, 1950-1963, information on the proposed consolidation of overhaul facilities at Montreal; RG 70, Vol. 235, file 500-5-1, 1963-1965, Air Canada briefs and arguments relating to the transfer of employees from Winnipeg to Dorval, and material on the economic consequences of a transfer for the Winnipeg area; RG 70, Vol. 291, file 1508-8-2, 1955-1967, material on buildings and improvements at the Winnipeg base, correspondence, press clippings, records revealing conflicts concerning removal of the overhaul base from the Winnipeg area and related material; RG 70, Vols. 348-350, 1962-1968, submissions, additional material relating to the report of Wallace Clark and Company and the report of R. Dixon-Speas Associates, statements in Parliament, press clippings, correspondence and other material relating to TCA's overhaul bases.

Report: Dated 3 March 1966. Tabled in the House of Commons on 19 May 1966. Sessional Paper No. 162d, 1966-1967. Printed as: *Report of Commission of Inquiry as to the Future of the Air Canada Overhaul Base at Winnipeg International Airport, and Related Matters* [Ottawa, 1966], 175 p. and appendices.

Title: Royal Commission on Customs and Excise, 1926-1927, 2.2 m (Vols. 1-22)

Background: Early in 1925, the Government of Canada became aware that inefficiency and corruption existed in the Department of Customs and Excise and undertook an informal investigation.

In March 1925, Prime Minister King wanted to appoint a royal commission providing that the Commercial Protective Association, which had complained of irregularities in the department, would make charges against customs officials, but the association did not act.

The issue became wider known, in February 1926, when H.H. Stevens, Member of Parliament for Vancouver Centre, charged that the government was aware of flagrant violations of customs regulations and that officials of the department were involved in wrongdoing. His attack forced the House of Commons to create a special committee to investigate the administration of the department.

According to the final report of the parliamentary committee, of 18 June 1926, some issues Stevens had raised were of substance:

"The evidence submitted to the Committee leads to the general conclusion that for a long time the Department of Customs and Excise has been slowly degenerating in efficiency, and that the process was greatly accelerated in the last few years. Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office, and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa."

In addition, the committee confirmed the following: widespread inefficiency and laxity was in evidence in the department; liquor was smuggled into the United States where prohibition existed; stolen automobiles were smuggled into Canada; and some senior employees of the department were so delinquent in their duties that the report recommended the dismissal of nine of them. The report also showed that Senator Jacques Bureau, while serving as Minister of Customs, had received gifts of liquor from Montreal customs officials, and a smuggled automobile had been sold to his chauffeur. Beyond that, George H. Boivin, the new Minister of Customs and Excise, intervened to delay the imprisonment of Moses Aziz, a convicted smuggler.

Because of the uproar caused by the report, the minority King government feared that it might be defeated on a vote of censure over the irregularities. King avoided a vote of censure by asking Governor General Byng for a dissolution of Parliament. But, the Governor General refused to grant one. On the 28 June 1926 King

resigned and the Governor General called on Arthur Meighen, the Leader of the Opposition, to form a government.

On 29 June, the Meighen administration ensured the passage of a censure resolution against the former King government by having the following statement added to the report of the parliamentary committee:

"Since the enquiry indicates that the smuggling evils are so extensive and their ramifications so far reaching that only a portion of the illegal practices have been brought to light, your committee recommends the appointment of a judicial commission with full powers to continue and complete investigating the administration of the Department of Customs and Excise and to prosecute all offenders."

On 20 July 1926, shortly after the dissolution of Parliament, therefore, the Government of Canada appointed a royal commission, to investigate and report on the administration of the Department of Customs and Excise (*Journals of the House of Commons*, 1925 Session, Ottawa, King's Printer, 1926, pp. 444-449 and pp. 493-497; *Canadian Annual Review*, 1925-1926, pp. 53-55, 64-65 and 79-83; H. Blair Neatby, *William Lyon Mackenzie King*, 1924-1932, Toronto, University of Toronto Press, 1963, pp. 63-64, 114-116 and 130-157; and Bruce Hutchison, *The Incredible Canadian*, Toronto, Longmans, Green & Co., 1952, pp. 104-108).

Hearings of the commission were held in Saint John, Halifax, Charlottetown, Quebec City, Montreal, Niagara Falls, Windsor, Hamilton, Toronto, Ottawa, Winnipeg, Regina, Calgary, Vancouver and Victoria from 17 November 1926 to 14 September 1927.

Authority:

Order in Council P.C. 1161, 20 July 1926, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104), and on the recommendation of the Minister of Justice.

By Order in Council P.C. 67, 14 January 1927, a supplementary commission was issued to the Commissioners extending their powers of investigation.

Terms of Reference:

To continue and complete the investigation of the Special Committee of the House of Commons into the administration of the Department of Customs and Excise. Further, to inquire into and report upon all matters coming under the administration of the Minister of Customs and Excise which affect the public revenue of Canada or relate to the operations of any persons or corporation owning, operating or employed in connection with any business carried on under the provisions of the *Excise Act* (11-12 Geo. V, c. 26, 1921) or the *Customs Act* (R.S.C., 1906, c. 48) or any regulations made thereunder.

Commissioners:

The original Commissioner was François Xavier Lemieux. Subsequently, James Thomas Brown and William Henry Wright were

appointed Commissioners to assist Lemieux (Order in Council P.C. 1467, 28 September 1926). When Lemieux resigned from the commission, James T. Brown was appointed Chairman and Ernest Roy became a Commissioner (Order in Council P.C. 1844 and Order in Council P.C. 1845, 11 November 1926).

Secretary: P. D'Auteuil Leduc.

Records: Interim reports and transcripts of hearings with an index (Vol. 1).
Consult finding aid 33/88-85.

Additional References: National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 170, Sessional Paper No. 5b, 1928, contains the minutes of a conference held in Washington between the Customs Commission and the Government of the United States, 29-30 August 1927; RG 14, D2, Vol. 171, Sessional Paper No. 5d, 1928, memorandum from the Advisory and Consulative Committee on Customs-Excise Preventive Service Reorganization, 5 January 1927.

National Archives of Canada, Records of the Department of National Revenue, RG 16, Vol. 791, contains some material produced by the department for use by the Royal Commission on Customs and Excise and records relating to prosecutions and actions arising out of its recommendations.

National Archives of Canada, Records of the Department of Justice, RG 13, Vols. 1990-1991, file 1934, 1927, reports on brewers and distillers by Clarkson, Gordon, *et. al.*, Chartered Accountants.

Reports: Interim Reports, Nos. 1-10. Dated 3 December 1926-14 October 1927. Tabled in the House of Commons on 2 February 1928. Sessional Paper No. 5a, 1928. Printed as: *Royal Commission on Custom and Excise*. Interim Reports (Nos. 1-10). Ottawa, King's Printer, 1927, 119 p.

Final Report. Dated 15 October 1927. Tabled in the House of Commons on 27 January 1928, Sessional Paper No. 5, 1928. Printed as: *Royal Commission on Customs and Excise*. Final Report. Ottawa, King's Printer, 1927, 24 p.

Related Publications: *Special Committee Investigating the Administration of the Department of Customs and Excise*. Minutes of Proceedings, Nos. 1-66, 9 February-17 June 1926, Ottawa, King's Printer, 1926 (National Archives of Canada, Records of Parliament, RG 14, D1, Vol. 654).

Report of Messrs. Clarkson, Gordon and Dilwork Respecting Reorganization of the Department of National Revenue. February 9, 1928. Ottawa, King's Printer, 1928 (National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 170, Sessional Paper No. 5C, 1928).

Title: Royal Commission on the Status of Women in Canada, 1962-1970, 8.8 m (Vols. 1-45; microfilm reels C-4878 to C-4883 and C-6798 to C-6803)

Background: In April 1963, when Judy LaMarsh became Minister of National Health and Welfare in the Pearson administration, she indicated to the Prime Minister the need for a public inquiry on the status of women in Canada similar to one which President Kennedy had established in the United States. Early in 1965, La Marsh wrote:

"Pearson seemed at last to be prepared to accept my advice and to set up such a commission. I had provided him with a draft of the proposed terms of reference, and a copy of the Kennedy Commissions' reference and its report together with a long list of women who might serve on such a commission."

Although the subject was raised in the federal cabinet on 11 October 1965, according to LaMarsh, the Prime Minister did not respond because the press in Canada was very negative to the idea.

LaMarsh, who became Secretary of State in December 1965, claimed that she would have been unable to convince the federal government to appoint a commission on women's rights without the assistance of Laura Sabia, then President of the Canadian Federation of University Women. On 18 April 1966, Sabia sent a letter to all established women's organizations in Canada calling for a meeting to discuss the status of women. The meeting, held in Toronto on 3 May 1966, was attended by 50 women representing 32 organizations. It led to the establishment of the Committee on the Equality of Women in Canada (CEW) under Sabia's leadership.

In a letter to Prime Minister Pearson, dated 26 September 1966, Sabia pointed out some of the results of the meeting:

"There was general agreement among thirty-two of the National Organizations representing over a million and a half women that a comprehensive inquiry into the factors which prevent women from participating fully in the economic, educational, political, social and professional life of Canada was imperative ... we submit that a Royal Commission on the Status of Women would be a first step to this important realization."

The CEW also made a submission to the Government of Canada, on 15 September, requesting a meeting with the Prime Minister about women's rights.

The objectives of the CEW were strongly promoted in the House of Commons, by Judy LaMarsh and Grace MacInnis. Also, Doris Anderson, the Editor of *Chatelaine*, wrote an editorial in the July 1966 issue of the magazine in favour of a royal commission.

When the delegation representing the CEW went to Ottawa, on 10 November 1966, they met with the Minister of Justice, Lucien Cardin, the Secretary of State, Judy LaMarsh, and the Minister of Labour, J.R. Nicholson. The issues addressed in the CEW's submission were as follows:

"discriminatory employment laws and practices, outdated legislation on marriage, divorce and the domicile of married women, education, automation and immigration and the slowness with which Canada was ratifying the United Nations and International Labour Organization's labour conventions."

Despite these initiatives, the government was hesitant. Early in January 1967, Sabia, the head of CEW, reacted by a veiled threat of a women's march on Ottawa. In addition, Judy LaMarsh continued to exert pressure for action on women's issues within the Cabinet. Finally, on 3 February 1967, the Prime Minister announced that the government had decided to establish a royal commission "to inquire into and report on the Status of Women in Canada and to recommend what steps might be taken by the federal government to ensure their equality with men in all aspects of Canadian society" (Judy LaMarsh, *Memoires of a Bird in a Gilded Cage*, Toronto, McClelland and Stewart, Ltd., 1968, pp. 301-302; House of Commons, *Debates*, 29 June 1966; p. 7022; 10 November 1966, p. 9770; 10 January 1967, p. 11587; 26 January 1967, p. 12258; and 3 February 1967, pp. 12613- 12614; *Chatelaine*, July 1966, and February 1967; Cerise Morris, "Determination and Thoroughness: The Movement for a Royal Commission on the Status of Women in Canada," *Atlantis: A Women's Studies Journal/ Journal d'études sur la femme*, Vol. 5, No. 2, Spring, 1980, pp. 1-21 and National Archives of Canada, Lester B. Pearson Papers, MG 26, N4, Vol. 151, File No. 354, Part I: Submissions.

Hearings of the commission were held in St. John's, Halifax, Charlottetown, Fredericton, Quebec City, Montreal, Ottawa, Toronto, Winnipeg, Saskatoon, Regina, Calgary, Edmonton, Vancouver, Victoria, Whitehorse and Yellowknife from 16 April to 4 October 1968. Further, discussion groups and interviews were conducted in four settlements in the Keewatin District and in Churchill. The commission filed 468 submissions.

Authority: Order in Council P.C. 312, 16 February 1967, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the federal government to ensure for women equal opportunities with men in all aspects of Canadian society, having regard for the distribution of legislative powers under the constitution of Canada, particularly with reference to federal statutes, regulations and policies that concern or affect the rights and activities of women and, to inquire into and report on:

- (1) Laws and practices under federal jurisdiction concerning the political rights of women;
- (2) The present and potential role of women in the Canadian labour force, including the special problems of married women in employment and measures that might be taken under federal jurisdiction to help in meeting them;
- (3) Measures that might be taken under federal jurisdiction to permit the better use of the skills and education of women, including the special re-training requirements of married women who wish to re-enter professional or skilled employment;
- (4) Federal labour laws and regulations in their application to women;
- (5) Laws, practices and policies concerning the employment and promotion of women in the federal civil service, by federal Crown corporations and by federal agencies;
- (6) Federal taxation pertaining to women;
- (7) Marriage and divorce;
- (8) The position of women under the Criminal Law;
- (9) Immigration and citizenship laws, policies and practices with respect to women; and such other matters in relation to the status of women in Canada as may appear to the Commissioners to be relevant.

Commissioners: Florence Bayard Bird, Chairperson; Lola M. Lange, Jeanne Lapointe, Elsie Gregory MacGill, Doris Ogilvie, Jacques Henripin and Donald Gordon, Jr. Donald Gordon resigned as Commissioner on 1 November 1967 (Order in Council P.C. 2164, 21 November 1967) and was replaced by John P. Humphrey on 2 February 1968 (Order in Council P.C. 229, 2 February 1968).

Secretary: Monique Bégin.

Records: Arrangements for hearings, a precis of transcripts of hearings, submissions, research files, research studies, minutes of meetings, reports, administrative files, newspaper clippings and related material. A precis of the hearings, the submissions and the unpublished studies are also available on microfilm.

Consult finding aid 33/89-87 parts 1-4.

Additional References: National Archives of Canada, Florence Bayard Bird Papers, MG 31, D63, Vol. 5, 1967-1971, correspondence, newspaper clippings, notebooks, and a summary of the Report of the Royal Commission on the Status of Women.

National Archives of Canada, Dorothy E. and John F. Flaherty Papers, MG 31, K25, Vols. 9 and 10, 1966-1974, files on the establishment of the Royal Commission on the Status of Women, biographies of the Commissioners, recommendations of the commission and comments about the commission and its report.

National Archives of Canada, Elsie Gregory MacGill Papers, MG 31, K7, Vols. 2-7, 1963-1975, includes reports, administrative records, correspondence, memoranda and annotated minutes of the Royal Commission on the Status of Women meetings.

National Archives of Canada, Canadian Federation of University Women, MG 28, I196, Vols. 18-21, 1932-1976, files on the status of women, correspondence with Members of Parliament on women's issues, and files relating to education, family and native women.

National Archives of Canada, National Council of Women of Canada, MG 28, I25, Vols. 143-144, 1966-1968, files on the status of women consisting of printed material, correspondence and briefs.

National Archives of Canada, Royal Commission on the Status of Women. Audio-visual records. Audiotapes of radio programs about the status of women and the work of the Commission broadcast by the CBC and public hearings of the commission, 1968, approx. 190 h, acc. no. 1971-0016. A précis of the hearings was prepared from these audiotapes.

National Archives of Canada, photographic records, acc. no. 1971-191: Canada. Royal Commission on the Status of Women in Canada. Two group photographs of members of the Royal Commission on the Status of Women in Canada, 1971.

Report:

Dated 28 September 1970. Tabled in the House of Commons on 7 December 1970. Sessional Paper No. 283-4/104, 1970-1972. Printed as: *Report of the Royal Commission on the Status of Women in Canada* [Ottawa, Information Canada, 1970], xvii, 488 p.

Related Publications:

A number of research studies prepared for the commission were published. A list of them is available in finding aid 33/89-87 part 2.

Title: Commission to Inquire into the Post Office Department Concerning Grievances Relating to Work Rules, Codes of Discipline and other Conditions of Employment Applying to Non-supervisory Operating Employees, Exclusive of Salaries; in doing so, to consult with Officers of the Department and of Organizations Representing Employees; and, Keeping in mind both the Welfare of Employees and the Efficient Operations of the Postal Service, to Report thereon and to Recommend such Changes in Existing Practices as may be in the Public Interest, 1965-1966, 3.2 m (Vols. 1-32)

Background: Early in 1965, postal workers expressed discontent over Treasury Board's delay in announcing salary revisions for them. The three unions, which comprised the Postal Workers' Brotherhood threatened to strike if their demands were not met. They wanted an increase of \$660 per annum for all classes of workers. This was well above the government's offer of from \$300 to \$360 per annum.

On 21 July 1965, the federal Cabinet met to discuss the issue. The government offered to appoint a Commissioner to study postal wages but, the very next day, postal workers in Montreal and Vancouver went out on strike. Soon, about 17,000, out of some 22,000 letter carriers and mail sorters across Canada, were on a "wildcat" strike.

On 23 July, the government appointed Judge J.C. Anderson to investigate the increases in rates of pay offered to postal workers. At that time, the Prime Minister asked the strikers to return to work by promising prompt action on Anderson's recommendations.

On 26 July, the Executive Committee of the Postal Workers' Brotherhood urged the postal workers to comply with the government's request. But, by the 28 July, only about 40 percent of the strikers returned to work. By 30 July, most postal employees ended their illegal walk out. In the city and district of Montreal, however, the postal workers stayed out on strike. On 3 August, the government started to use non-union labour to sort mail in Montreal. The next day, postal workers were offered an increase of from \$510 to \$560 per annum as recommended by Anderson's report.

Once again, the Prime Minister of Canada demanded that the Montreal strikers accept the arbitrator's wage offer and return to work. But, the Montreal locals, as well as some workers elsewhere, rejected the proposal.

Finally, on 9 August, all the strikers, including those in the Montreal area, returned to work. On 24 August, the new wage schedule was accepted by the postal unions but the Montreal locals did not participate in the vote.

On 20 August, Anderson's second report, recommending that the government review working conditions and hours of work of postal

employees was submitted. The postal unions requested that the government act on this recommendation. The government responded by appointing a royal commission to study grievances relating to work rules, codes of discipline and other conditions of employment applying to non-supervisory employees of the Post Office (*Canadian Annual Review*, 1965, pp. 389-391; *Labour Gazette*, Vol. LXV, No. 9, September 1965, p. 789; "Labour Relations in the Post Office: A Chronology," unpublished manuscript of the Labour Relations Branch, Canada Post, amended 15 September 1979, pp. 6-11; and *Second Interim Report of the Commission of Inquiry into the Rates of Pay for Civil Servants in Group D*, n.d., p. 7).

From 20 September 1965 to 16 June 1966, private meetings and in-camera hearings were held with postmasters, district directors, representatives of postal unions and others, in St. John's, Halifax, Moncton, Quebec City, Montreal, Toronto, Ottawa, Hamilton, London, Windsor, Fort William, Winnipeg, Saskatoon, Regina, Edmonton, Calgary, Vancouver and Victoria. There were 227 exhibits filed with the commission.

Authority: Order in Council P.C. 1590, 1 September 1965, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on recommendation of the Postmaster General.

Terms of Reference: To inquire into and report on the Post Office Department concerning grievances relating to work rules, codes of discipline and other conditions of employment applying to non-supervisory operating employees, exclusive of salaries; in doing so, to consult with officers of the department and of organizations representing employees; keeping in mind both the welfare of employees and the efficient operation of the postal service, and to recommend such changes in existing practises as may be in the public interest.

Commissioner: André Montpetit.

Secretary: Helen M. Roney.

Records: Administrative records, research files, transcripts of hearings, exhibits, including submissions of postal unions, reports into the increases in rates of pay by J.C. Anderson (Vol. 7) and related material.

Consult finding aid 33/90-90.

Report: Dated 14 September 1966. Tabled in the House of Commons on 19 October 1966. Sessional Paper No. 321, 1966-1967. Printed as: *Report of the Royal Commission of Inquiry into Working Conditions in the Post Office Department*. The Honourable André Montpetit, Commissioner, October 1966 [Ottawa, Queen's Printer, 1966], vii, 363 p.

Title: Commission to Inquire into the Costs of Farm Machinery and Repair Parts, 1964-1971, 12.8 m (Vols. 1-63; also includes electronic records)

Background: Early in January 1966, J.J. Greene, who had just become Minister of Agriculture, made a statement during a visit to Western Canada on the possibility of holding a federal inquiry into the costs of farm machinery.

On 31 January 1966, Reynold Rapp, Member of Parliament for Humboldt-Melfort-Tisdale, informed the House of Commons that, based on figures of the Dominion Bureau of Statistics, the cost of farm machinery was out of proportion to the price farmers received for their produce. Rapp, a long time critic of farm implement prices, had presented a motion to the House of Commons on the advisability of appointing a royal commission to investigate the increased costs in June 1965. He also made a similar suggestion during the 1963 election campaign.

Gradually, pressure mounted on the government to appoint an inquiry into the farm implement industry. For example, the National Farmer's Union presented a brief to the Cabinet on 3 May 1966 calling on the Government of Canada to hold a joint inquiry with the United States. The union believed that a judicial inquiry was necessary to force American farm implement companies, operating in Canada, to furnish pertinent information.

Finally, on 25 May, Eldon Woolliams, Member of Parliament for Bow River, complained to the House of Commons that the profits of Massey-Ferguson had increased 160 percent. The very next day, the Government of Canada appointed an inquiry into the costs of farm machinery and repair costs. Apparently, the Minister of Agriculture preferred a public inquiry over a parliamentary committee because he believed that it would be conducted in a more objective manner. Furthermore, the Standing Committee of the House of Commons on Agriculture and Colonization, empowered in 1960 to study the costs of farm machinery, was not able to obtain the information it required, especially from the manufacturers. Moreover, it did not issue a final report because Parliament was dissolved before the committee's work was done. In April 1966, the Manitoba Legislature also set up a committee to study the cost of farm machinery. But, the committee never even convened because a provincial election was called before it got under way.

According to Clarence Barber, Chairman of the Royal Commission in Farm Machinery, the main issues involved in the industry were as follows:

"it became evident to me that changes in farm machinery technology were exerting far-reaching effects on the whole rural scene. More than any other single cause, it has been improvements in farm

machinery that have led to the large outflow of labour and population from agriculture since 1945. Again, it has been improvements in farm machinery technology that have resulted in the trend to larger farming units. Along with better transportation, these machinery improvements have also helped cause a decline in the number of farm machinery dealers and a concentration of machinery sales and service in larger trading centres. With farming much more highly mechanized, the farmer has also found himself more vulnerable to the effects of machine breakdown during his busy seasons All of these changes have created a sense of uneasiness among many farm people and a feeling that farm machinery was in some way one of the sources of their difficulties." (RG 33/91, Vol. 54, press clippings; *Ottawa Journal*, 1 June 1966; House of Commons, *Debates*, 9 June 1965, pp. 2180-2184, 31 January 1966, pp. 487-488, 25 May 1966, p. 5507 and 27 May 1966, p. 5599; and *Report of the Royal Commission on Farm Machinery*, Information Canada, Ottawa, 1971, p. 3).

Hearings of the commission were held in St. John's, Charlottetown, Fredericton, Halifax, Quebec City, Montreal, Ottawa, Toronto, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver and Victoria from 6 March to 19 April 1967, and from 12 October 1967 to 19 January 1968.

During a European tour in 1967, staff of the commission visited government research and testing stations for agricultural machinery in Silcoe, England; Uppsala, Sweden; and in Brunswick, Germany. There were 67 submissions filed with the commission.

Authority: Order in Council P.C. 978, 26 May 1966, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into the costs of farm machinery and repair parts and, in particular, to consider and report upon:

- (1) the factors affecting the price to the user of agricultural machinery and equipment and parts in Canada including full reference to the impact of financing, distribution and servicing costs on the total price of the user;
- (2) the costs to the user of agricultural machinery in Canada as compared with the costs of similar equipment to users in other countries, both in absolute terms and in relation to total costs;
- (3) the present and prospective competitive position of the Canadian agricultural machinery industry in Canadian and in export markets as compared with agricultural machinery industries in other countries, including an examination of research and development activity and its relationship to the establishment of new facilities in Canada;

- (4) the historical and present relationship between the price and the productivity of agricultural machinery; and
- (5) measures that would contribute to the expansion of efficient production of agricultural machinery, the attainment of technological advances, the improvement of distribution, financing and servicing facilities and the enhancement of the industry's competitive position so that Canadian farmers would be ensured most favourable prices for, and availability of, machinery and parts.

Commissioner:	Clarence Lyle Barber.
Secretaries:	Helen M. Roney, also known as Mrs. Helen M. Platt (1966-1967); Ms. W.A. Carey (1967-1968); and Lois Culpan (1969-1971).
Records (Textual):	<p>Exhibits and submissions, transcripts of hearings, with an index (Vol. 63), questionnaires, research studies and research files, press clippings; and correspondence with government departments, organizations and farm implement companies.</p> <p>Consult finding aid 33/91-91.</p>
Records (EDP):	Survey information about farmers' attitudes and behaviour to the purchase of farm machinery. Included with the general background variables are those concerning decisions made with regard to farm management, the use of sources of information on farm machinery, the amount of capital to be invested in farm machinery, factors influencing the purchase of equipment, and the financing of farm machinery (RG 33/91, acc. no. G0000066).
Additional References:	<p>National Archives of Canada, Records of Parliament, RG 14, acc. no. 1985-86/ 146, box 86, orders of reference, submissions and correspondence of the Standing Committee on Agriculture and Colonization of the House of Commons, 1960-1961, respecting prices of farm machinery.</p> <p>National Archives of Canada, photographic records, acc. no. 1972-073: Canada. Royal Commission on Farm Machinery. Eight photographs of the International Harvester Company's Service School, London, Ontario, 1967.</p>
Reports:	<p>Special Report. Dated December 1969. Tabled in the House of Commons on 16 January 1970. Sessional Paper No. 282-4/109, 1969-1970. Printed as: <i>Royal Commission on Farm Machinery. Special Report on Prices of Tractors and Combines in Canada and Other Countries</i>, Dr. Clarence L. Barber, Commissioner, December 1969 [Ottawa, Queen's Printer, 1969], 239 p.</p> <p>Final Report. Dated March 1971. Tabled in the House of Commons on 18 May 1971. Sessional Paper No. 283-4/109, 1970-1972. Printed as: <i>Report of the Royal Commission on Farm Machinery</i>, 1971, Dr. Clarence L. Barber, Commissioner [Ottawa, Information</p>

Canada, 1971], xiv, 636 p.

Related Publications:

Twelve research studies prepared for the commission were published. For a list of these studies, see *Government of Canada Publications*, 1968, p. 82; 1969, p. 149; 1970, p. 201; and 1971, p. 141.

House of Commons. *Standing Committee on Agriculture and Colonization, 1960-1961. Chairman, James A. McBain. Proceedings Respecting Prices of Farm Machinery*, Nos. 1-17 [Ottawa, Queen's Printer, 1961].

Title: Commission to Inquire into the Dealings of the Honourable Mr. Justice Leo A. Landreville with Northern Ontario Natural Gas Limited or Any of its Officers, Employees or Representatives, or in the Shares of the Said Company, and to Advise Whether, in the Opinion of the Commissioner, Anything Done by Mr. Justice Landreville in the Course of Such Dealings Constituted Misbehaviour in his Official Capacity as a Judge of the Supreme Court of Ontario, or Whether the Honourable Mr. Justice Landreville has by Such Dealings Proved Himself Unfit for the Proper Exercise of His Judicial Duties, 1958-1966, .9 m (Vols. 1-9)

Background: Leo Landreville was Mayor of Sudbury in July 1956 when the Sudbury City Council approved a franchise with Northern Ontario Natural Gas Company Limited (NONG) to supply natural gas to the city. Landreville resigned as Mayor on 30 September 1956 shortly after his appointment as judge of the Supreme Court of Ontario.

In 1964, Landreville was charged under Section 104 (1)(b) and (e) of the *Criminal Code* with having accepted a benefit as consideration in obtaining the adoption of a resolution by the City of Sudbury of a franchise agreement with NONG. He was acquitted of these charges at a preliminary hearing in Magistrate's court in the District of Sudbury, on 8 October 1964.

The benefit referred to at the preliminary hearing was a one-year option offered to Landreville, to purchase 10,000 shares of NONG at \$2.50 per share. On 12 February 1957, Landreville, while serving as a Judge of the Supreme Court of Ontario, received 7,500 paid up shares of NONG from Continental Investment Corporation Limited of Vancouver. The broker for Continental had sold 2,500 shares of the original 10,000 offered to Landreville which was sufficient to pay off his account for the NONG stock. Landreville subsequently sold his NONG shares in 1957 at a profit of \$117,000.

Despite the dismissal of the charges against Landreville in 1964, rumours persisted that he had acted improperly by accepting the NONG shares and should have resigned from the bench.

On 14 March 1965, a Special Committee of the Law Society of Upper Canada reported on Landreville's conduct as a judge. The report, adopted by the Benchers of the Law Society on 23 April, contained a resolution calling for Landreville's removal. A copy of the Law Society's report was sent to the federal Minister of Justice. Following the receipt of the report, the Minister of Justice asked the judge to resign from office. But, Landreville denied any wrongdoing and refused to resign.

Subsequently, there were demands in Parliament that the judge be called before a parliamentary committee to account for his actions. Instead, the Minister of Justice appointed a judicial inquiry, on 19 January 1966, into Landreville's dealings with NONG and

whether or not he should continue to exercise his judicial functions.

Less than a year after the commission terminated, Landreville resigned from the Supreme Court of Ontario. His resignation, dated 7 June, and effective on 30 June, was announced in the House of Commons on 8 June. The announcement was made just before the Senate was scheduled to open debate on a motion to remove Landreville from the bench (*Inquiry Re The Honourable L.A. Landreville*, 1966) [Ottawa, 1966].

Hearings of the commission were held in Vancouver, Sudbury, Toronto and Ottawa from 14 March to 27 April 1966. The commission filed 172 exhibits.

Authority: Order in Council P.C. 128, 19 January 1966, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Minister of Justice.

Terms of Reference: To inquire into and report upon the dealings of the Honourable Mr. Justice Leo A. Landreville with Northern Ontario Natural Gas Limited or any of its officers, employees or representatives, or in the shares of the said company, and to advise whether in the opinion of the Commissioner, anything done by Mr. Justice Landreville in the course of such dealings constituted misbehaviour in his official capacity as a Judge of the Supreme Court of Ontario, or whether he has by such dealings proved himself unfit for the proper exercise of his judicial duties.

Commissioner: Ivan Cleveland Rand.

Secretary: Helen M. Roney.

Records: Transcripts of hearings, exhibits, investigations of the Ontario Securities Commission into the matter of Northern Ontario Natural Gas Company Limited, 1958 and 1962, investigation held under the *Securities Act* in the matter of R.K. Farris, *et. al.*, Vancouver, 1963, *Her Majesty v. R.K. Farris*, Supreme Court of Ontario, 1964, preliminary hearing of Leo A. Landreville in Magistrate's Court, District of Sudbury, 1964, press clippings, administrative files and related material.

Consult finding aid 33/92-92.

Additional References: National Archives of Canada, Records of Parliament, RG 14, acc. no. 1987-88/146, box 116, records of the Standing Committee of the House of Commons on Mr. Justice Landreville, 1966-1967.

Report: Dated 11 August 1966. Tabled in the House of Commons on 29 August 1966. Sessional Paper No. 195a, 1966-1967. Printed as: *Inquiry Re: The Honourable Mr. Justice Leo A. Landreville*. Commissioner. The Honourable I.C. Rand. 1966. [Ottawa, 1966], 133 p.

Related Publications:

Landreville v. the Queen, [1977], 2 F.C. 726, 75 D.L.R. (3rd) 380 (T.D.). The Federal Court held that the Report of the Commission of Inquiry on Landreville's conduct, of 1966, violated Section 13 of the federal *Inquiries Act* by not giving Landreville reasonable notice of the charges of misconduct against him or the opportunity to respond to them.

Title: Commission to Investigate Fully into Allegations about any Improper Inducements Having Been Offered to or Improper Pressures Having Been Brought to Bear on Counsel Acting upon an Application for the Extradition of One Lucien Rivard and all the Relevant Circumstances Connected Therewith, 1964-1965, 2.75 m (Vols. 1-28)

Background: On 19 June 1964, Lucien Rivard was arrested in Montreal on a charge of smuggling heroin into the United States. Rivard was detained in the Bordeau Jail until extradition proceedings were held.

In August 1964, the RCMP informed the federal Minister of Justice, Guy Favreau, that attempts had been made to bribe Pierre Lamontagne, counsel acting on behalf of the Government of the United States for the extradition of Rivard. By 18 September, the complete RCMP investigation on the Rivard case was turned over to the Minister of Justice. After reviewing the file, the Minister decided that there was not sufficient evidence to lay charges against anyone.

On 23 November 1964, Erik Nielsen, Member of Parliament for the Yukon, made allegations in the House of Commons that Raymond Denis, the former Executive Assistant to the Minister of Citizenship and Immigration, had offered Pierre Lamontagne, counsel for the Government of the United States, a \$20,000 bribe if he agreed to have Rivard released on bail. Further allegations were made in the House of Commons that Guy Lord, former Assistant to the Minister of Justice; André Letendre, Executive Assistant to the Minister of Justice; and Guy Rouleau, Member of Parliament for Dollard, and Parliamentary Secretary to the Prime Minister, had also brought pressure to bear on Lamontagne to induce him not to oppose bail for Rivard.

On 24 November, Rouleau admitted in the House that he had made representations on behalf of Rivard to Lamontagne and offered his resignation as Parliamentary Secretary. Under intense pressure from the opposition, the Minister of Justice, Guy Favreau, informed the House, on the same day, that he had decided to accept the suggestion made by T.C. Douglas, Leader of the New Democratic Party, and appoint a judicial inquiry into the Rivard affair. Favreau then enumerated some of the matters which the commission ought to investigate. But, the opposition challenged the terms of reference for the inquiry. As a result, on 27 November, the government tabled an amendment which allowed for a fuller inquiry. On 2 March 1965, while the commission was still sitting, Rivard escaped from the Bordeau Jail. On 16 July, he was recaptured. Subsequently, he was extradited to the United States where he served a prison sentence (*Special Public Inquiry, 1964. Report of the Commissioner the Honourable Frédéric Dorion, Chief Justice of the Superior Court for the Province of Quebec* [Ottawa, Queen's Printer, 1965] and House of Commons, *Debates*, from 23 to 27 November 1964, pp. 10378-10393, 10423-10430, 10495-10496, 19507-10517, 10543-10549 and 19597-19600).

Hearings of the commission were held in Ottawa, Quebec City and Montreal from 15 December 1964 to 9 April 1965. The commission filed 119 exhibits.

Authority: Order in Council P.C. 1819, 25 November 1964, as amended by Order in Council P.C. 1820, 27 November 1964, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire and report upon allegations about any improper inducements having been offered to or improper pressures having been brought to bear on counsel acting upon an application for the extradition of Lucien Rivard and all the relevant circumstances connected therewith, and in particular to consider fully the reports submitted to the Minister of Justice by the RCMP and the evidence laid before him in connection therewith and any further evidence elicited by or laid before the Commissioner, to consider such other matters as may appear to the Commissioner to be relevant and to report whether there is sufficient evidence to warrant any prosecution for offences that may be involved.

Commissioner: Frédéric Dorion.

Secretary: Nicol Henry.

Records: Transcripts of hearings, subpoenas, arguments of counsel and statements, of various individuals.

Consult finding aid 33/93-93.

Reports: Final Report. Dated June 1965. Tabled in the House of Commons on 29 June 1965, Sessional Paper No. 238, 1965. Printed as: *Special Public Inquiry 1964. Report of the Commissioner the Honourable Frédéric Dorion, Chief Justice of the Superior Court for the Province of Quebec. June 1965* [Ottawa, Queen's Printer, 1965], 149 p.

Additional Report. Dated 6 July 1965. Tabled in the House of Commons on 19 January 1966, Sessional Paper No. 193, 1966-1967. Printed as: *An Additional Report about the Special Inquiry 1964, which is a modification of the original that I submitted on Monday, 28 June 1965.* [Ottawa, 1965], 2 p.

Title: Royal Commission on Pilotage, 1874-1971, 13.4 m (Vols. 1-66)

Background: The pilotage system in Canada dates from 1873 when the Government of Canada enacted the *Pilotage Act* (35-36-37 Vict., c. 54). This statute established the pilotage districts of Montreal, Quebec, Halifax and Saint John and empowered the Governor-in-Council to set up pilotage districts in other parts of Canada as the need arose. Except for minor amendments, the provisions of the 1873 *Act* were incorporated into the *Canada Shipping Act* (R.S.C., 1906, c. 113) and for the most part, they were still in effect by the 1960s. But, a major amendment to the legislation was made in 1960. Arrangements were reached with the United States, following the completion of the St. Lawrence Seaway, for the establishment of a joint pilotage system in the area of the Great Lakes. As a result, an amendment was made to the *Canada Shipping Act* (8-9 Eliz. II, c. 40, 1960) for that purpose.

The organization of pilotage under Part VI of the *Canada Shipping Act* centred around the establishment of fully decentralized, autonomous and financially self-supporting pilotage districts across Canada. The actual situation, however, was quite different. Pilotage in the larger districts including: the Bras d'Or Lakes, Sydney, Halifax, Saint John, Quebec City, Montreal, Cornwall, Churchill and all of British Columbia was not only administered centrally but was controlled by the Department of Transport in Ottawa. In other districts, the pilotage authority remained a local self-governing, independent commission. According to the first volume of the report of the Royal Commission on Pilotage anomalies existed in the law:

"It also found the present organization and control of pilotage exists, in contravention of the law. The commission's finding concerning the absence of a proper legal base for most of the existing administration of pilotage was such a startling development that it was deemed necessary to undertake a detailed analysis of the pilotage provisions of the *Canada Shipping Act* to verify the correctness of this conclusion."

It was obvious that the legislation governing pilotage was unsatisfactory. Except for the area of the Great Lakes, very few changes were made in the law until after the strike by the St. Lawrence River pilots of 1962.

On 6 April 1962, the Federation of St. Lawrence River Pilots, which was involved in a dispute with the ship operators, and the Department of Transport, mainly over the method used to calculate pilots wages, went out on strike for eight days.

This affected shipping from Les Escoumains (140 miles northeast of Quebec City) to Kingston and it was doubtful whether the St. Lawrence Seaway would open on time for the 1962 season. In an attempt to diffuse the situation, the federal Minister of Transport,

Leon Balcer, announced in Parliament, on 10 April, that he planned to appoint a royal commission to inquire into all aspects of pilotage in Canada. It is not surprising, therefore, that the agreement between the Department of Transport, the shipping companies and the St. Lawrence River pilots which ended the strike also called for the appointment of a royal commission. But, the inquiry was not formally established until 1 November 1962 because the pilots wanted the government to delay the appointment until near the close of the shipping season.

Because the mandate of the royal commission was extremely broad, the Commissioners did not complete their report until 1971. They investigated not only problems affecting marine pilots, shipowners, masters and the public but also the broader question of the state of the pilotage law in Canada. As the Commissioners put it:

"The mandate of this commission, however, is very much wider than the terms of reference of the previous commissions which dealt with pilotage matters only in some particular port or area. Indeed, this is the first time in Canadian history that a royal commission has been charged with the duty of conducting an inquiry into all aspects of pilotage, including the adequacy of applicable legislation, wherever the service is provided in Canadian waters." (Report of the royal commission on Pilotage. General Introduction. Part I. *Study of Canadian Pilotage Legislation and General Recommendations* [Queen's Printer, Ottawa, 1968], pp. xvii-xxvi; House of Commons, *Debates*, 10 April 1962, pp. 2658-2662 and 2 November 1962, pp. 1215-1217; and National Archives of Canada, Records of the Department of Labour, RG 27, D2, Vol. 551, microfilm reel T-3405, Strikes and Lockouts files, Strike No. 76, Shipping Federation of Canada, lower St. Lawrence, Quebec and Ontario.)

Hearings of the commission were held in all provinces of Canada, except Saskatchewan and Alberta, from 11 February 1963 to 15 January 1965. The Commissioners visited harbour and pilotage facilities in more than 30 places in Canada where hearings were held, as well as New York and Washington, D.C. in the United States. The commission filed 1,543 exhibits and 62 submissions.

Authority:

Order in Council P.C. 1575, 1 November 1962, under Part I of the *Inquiries Act* (R.S.C. 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference:

To inquire into and report upon 'the problem relating to marine pilotage provided in Canada, more particularly under the *Canada Shipping Act*, and to recommend the changes, if any, that should be made in the pilotage system now prevailing, having regard to safety of navigation, development of shipping and commerce, the interests of pilots, shipowners, masters and the public generally, with particular reference to:

- (a) the extent and nature of marine pilotage requirements, including compulsory pilotage, compulsory payment of

pilotage dues and the granting of exemptions;

- (b) the duties, responsibilities and status of marine pilots; and
- (c) the adequacy of the organizational structure provided in the *Canada Shipping Act* for the administration, regulation and financing of pilotage, taking into consideration such factors as the provision of pilotage services, the determination, collection and disposal of pilotage dues, and the entry into service, technical standards, conduct, income, welfare and pension arrangements of pilots.

Commissioners: Yves Bernier, Chairman; Harold Alexander Renwick and Robert Knowlton Smith.

Secretary: Gilbert W. Nadeau.

Records: Transcripts of hearings, exhibits, submissions, research files on the legislative history of pilotage, material on the organization and operation of the commission, material on public relations with government departments, private organizations and the press and files relating to pilotage organization and administration.

Consult finding aid 33/94-94.

Additional References: National Archives of Canada, Records of the Royal Commission on Pilotage. Cartographic and architectural records. RG 33, M94, acc. no. 71-12437, 224 maps, plans and drawings.

National Archives of Canada, photographic records, acc. no. 1972-316: Canada Royal Commission on Pilotage. Three photographs of the grounding of the vessel *M.V. Hermion*, Prince Rupert, B.C., 1961.

National Archives of Canada, Joseph A. Heenan Papers, MG 30, E435, Vol. 3, 16 files containing memoranda and background material relating to the Royal Commission on Pilotage.

Report: Volume 1. Dated 1 March 1968. Not tabled in the House of Commons. Printed as: Report of the Royal Commission on Pilotage. General Introduction. Part 1. *Study of Canadian Pilotage Legislation and General Recommendations* [Ottawa, Queen's Printer, 1968], xxvi, 584 p. and appendices printed as a separate volume, pp. 585-824.

Volume 2. Dated 1 October 1968. Tabled in the House of Commons on 20 December 1968, Sessional Paper No. 266, 1968-1969. Printed as: Report of the Royal Commission and Pilotage. Part II. *Study of Canadian Pilotage. Pacific Coast and Churchill* [Ottawa, Queen's Printer, 1968], xxii, 428 p.

Volume 3. Dated 1 June 1969. Not tabled in the House Commons. Printed as: Report of the Royal Commission on Pilotage. Part III.

Study of Canadian Pilotage. Atlantic Provinces [Ottawa, Queen's Printer, 1969], xxxii, 684 p.

Volume 4. Dated 10 June 1970. Tabled in the House of Commons on 19 March 1971, Sessional Paper No. 283-4/100, 1970-1972. Printed as: Report of the Royal Commission on Pilotage. Part IV. *Study of Canadian Pilotage. Gulf and River St. Lawrence* [Ottawa, Queen's Printer, 1970], xxxi, 1028 p.

Volume 5. Dated 5 August 1971. Tabled in the House of Commons on 9 December 1971. Sessional Paper No. 283-4/100A, 1970-1972. Printed as: Report of the Royal Commission on Pilotage. Part V. *Study of Canadian Pilotage. Great Lakes System* [Ottawa, Information Canada, 1971], xx, 389 p.

Title: Commission to Inquire into and Report Upon Industrial Relations in Canada, 1919 (microfilm reels M-1980 to M-1982 and M-6425)

Background: Canada was faced with a period of severe labour unrest immediately following the Great War. On 22 March 1919, a labour sub-committee, of the Reconstruction and Development Committee of the federal Cabinet, recommended that the Government of Canada appoint a Royal Commission on Industrial Relations. The purpose was to find out whether the labour unrest was the result of legitimate grievances or radical agitation.

According to the report of the royal commission, which was appointed by the Government of Canada on 4 April 1919, the chief causes of discontentment were: unemployment, the rising cost of living, long working hours, lack of collective bargaining rights, the housing shortage, restrictions on freedom of speech and the press, and unequal educational opportunities.

The Commissioners viewed the number of labour disputes which had occurred, particularly in Western Canada, as evidence that serious unrest existed. The Commissioners attributed it mainly to "the upheavals in Europe and the disturbed state of the public mind generally owing to the war." They were convinced that the majority of workers did not believe in extreme ideas and would welcome cooperation and industrial harmony.

Faced with industrial uncertainty, the Commissioners set out to recommend ways of improving relations which existed between employers and employees. Ironically, the Winnipeg General Strike occurred as the Commissioners worked toward finding a solution to labour problems (*Report of the Commission appointed under Order-in-Council (P.C. 670) to Enquire into Industrial Relations in Canada together with a Minority Report*, Ottawa, King's Printer, 1919).

Hearings of the commission were held in 28 towns and cities in Canada from 26 April to 13 June 1919.

Authority: Order in Council P.C. 670, 4 April 1919, on the recommendation of the Minister of Labour. No indication of the authorizing statute is given in the Order in Council.

Terms of Reference: To inquire into and report to the government on the following matters, namely:

- (1) To consider and make suggestions for securing a permanent improvement in the relations between employers and employees.

- (2) To recommend means for ensuring that industrial conditions affecting relations between employers and employees shall be reviewed from time to time by those concerned, with a view to improving conditions in the future.

For the above purposes the commission shall:

- (1) Make a survey and classification of existing Canadian industries.
- (2) Obtain information as to the character and extent of organization already existing among bodies of employers and employees respectively.
- (3) Investigate available data as to the progress made by established joint industrial councils in Canada, Great Britain and the United States.

Commissioners: Thomas Graham Mathers, Chairman; Smeaton White, Charles Harrison, Frank Pauzé, Thomas Moore, John W. Bruce, and Carl Riordon (Order in Council P.C. 784, 9 April 1919).

Secretary: Thomas Bengough.

Records: Microfilm copy of transcripts of hearings of the commission. These transcripts were copied from typescripts of hearings held by the Library, Labour Canada.

Consult finding aid 33/95-95.

Additional References: National Archives of Canada, Records of the Department of Labour, RG 27, Vol. 3353, files 21 to 26, original transcripts of hearings of the Commission on Industrial Relations held in Victoria and Vancouver in April 1919.

Reports: Final Report. Dated 25 and 28 June 1919. Tabled in the House of Commons on 1 July 1919. Sessional Paper No. 184b, 1919. Printed as: *Report of Commission appointed under Order-in-Council (P.C. 670) to Enquire into Industrial Relations in Canada Together with a Minority Report*, Ottawa, King's Printer, 1919, 25 p.

Supplementary Report. Dated 29 June 1919. Not tabled in the House of Commons. Printed as: *Supplementary Report of Commissioner Riordon*, to the Commission to Inquire into and report Upon Industrial Relations in Canada, as well as the Majority and Minority reports of the Commission. Supplement to the *Labour Gazette*, July, 1919.

Title: Commission to Inquire into the Case Involving One Gerta Munsinger, 1966, .6 m (Vols. 1-6)

Background: On 28 June 1960, Gerta Munsinger applied for Canadian citizenship. According to procedures, her application was referred to the RCMP for security clearance. Upon investigation, the RCMP discovered that a Gerta Heseler (also known as Gerta Munsinger) was refused a visa for immigration to Canada in 1952 because she had been a spy. She also had been convicted of prostitution, theft and smuggling. In 1955, however, she obtained a visa and entered Canada under her married name, Gerta Munsinger.

In November 1960, the RCMP interviewed Munsinger and kept her under surveillance until she left Canada for Germany on 5 February 1961. From their investigation, the RCMP determined that Munsinger had worked in various night clubs in Montreal which were run by racketeers, and persons who had associations with narcotics dealers. They also learned that she was a prostitute and were convinced that she was having illicit sexual relations with Pierre Sévigny, the Associate Minister of National Defence, and that she knew other federal Cabinet Ministers.

Besides, it was determined that in 1960 Sévigny, had asked his executive assistant, Gaston Lévesque, to make representations to the Department of Citizenship and Immigration in relation to Munsinger's application for Canadian citizenship.

Beyond that, the RCMP discovered that the office of a company which did business with the Soviet Bloc was located in the building in Montreal where Munsinger lived and that she had access to all areas of the building.

The RCMP concluded that Munsinger represented a danger to national security for the following reasons:

that she might have been sent to Canada by Soviet intelligence agents to carry on espionage work; that her past association with Soviet espionage made her a likely subject for re-recruitment by them; and that those who associated with her, especially in Montreal, were vulnerable to blackmail by underworld figures.

On 7 December 1960, the RCMP briefed the Minister of Justice, E. Davie Fulton, about the Munsinger case. On 12 December, Fulton informed Prime Minister Diefenbaker about it. After reading the RCMP report on Munsinger, Diefenbaker demanded that Sévigny end his liaison with Munsinger.

The Prime Minister, satisfied that no breach of security had occurred, allowed Sévigny to remain in the Cabinet but took no further action.

In November 1964, Prime Minister Lester B. Pearson requested information from the RCMP about any investigations involving the conduct of Members of Parliament or Cabinet Ministers in the discharge of their official duties over the past 10 years. At that time, the RCMP gave the Prime Minister a copy of their report on Munsinger. No more was heard about the issue until early in 1966.

In a debate in the House of Commons over the government's handling of the security case involving George Victor Spencer, the Minister of Justice, Lucien Cardin, raised what he mistakenly called the "Monseignor Case" on 4 March 1966. Then, and in subsequent debates in the Commons, and in a press conference of 10 March, Cardin charged that Diefenbaker, when he was Prime Minister, had failed to refer the RCMP report in the Munsinger affair to the Department of Justice for advice. Moreover, Cardin claimed that the Diefenbaker government mishandled a case in which national security probably was involved. Cardin wanted these, and other allegations about the involvement of former Cabinet Ministers of the Diefenbaker administration with Munsinger, investigated by a judicial inquiry. Consequently, on 14 March 1966, the Government of Canada appointed a royal commission to inquire into and report on the Munsinger case (*Report of the Commission of Inquiry into Matters Relating to One Gerta Munsinger*, Ottawa, Queen's Printer, 1966; House of Commons, *Debates* 4, 7 and 11 March 1966, pp. 2211, 2299, 2542 and 2545; and Press Conference held by Lucien Cardin on 10 March 1966 about the Munsinger affair).

Public and in-camera hearings of the commission were held in Ottawa from 6 April to 24 May 1966. The commission filed 31 exhibits.

Authority:

Order in Council P.C. 482, 14 March 1966, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference:

To inquire into and report upon a statement by the Minister of Justice in a letter dated 11 March 1966, to the Prime Minister, with reference to a case involving one Gerta Munsinger, which was read in the House of Commons on 11 March 1966; into all statements concerning the case in the House of Commons on 4 and 7 March 1966; and into all statements by the Minister of Justice in a press conference on 10 March 1966, which, among other things, included statements about involvement with the said Gerta Munsinger, about failure to seek the advice of the Law Officers of the Department of Justice, that there were circumstances that may have constituted a risk to the security of Canada and that the case was not properly handled; and to enquire whether the case was handled in accordance with the rules and principles normally applicable to persons having access to classified information and into all the relevant circumstances connected therewith, and in particular to consider fully all reports submitted to the government or any member of the government and any evidence laid before them in connection therewith and any further evidence elicited by or laid

before the Commissioner.

Commissioners: Wishart Flett Spence.

Secretary: J.J. Pierre Benoit.

Records: Transcripts of public and in-camera hearings; exhibits; correspondence; newspaper clippings and magazine articles; a copy of the Commissioner's report and notes on the inquiry.

Consult finding aid 33/96-96.

Additional References: National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 1800, Sessional Paper No. 240b, 1966-1967, correspondence in the Department of Citizenship and Immigration regarding the application by Gerta Munsinger to enter Canada as an immigrant, 1951-1955.

National Archives of Canada, Royal Commission Relating to One Gerta Munsinger. Audio-visual records. Audiotape of a press conference held by Lucien Cardin, Minister of Justice, on 10 March 1966 about the Munsinger affair, acc. no. 1971-0013.

Report: Dated September 1966. Tabled in the House of Commons on 5 October 1966, Sessional Paper No. 240a, 1966-1967. Printed as: *Report of the Commission of Inquiry into Matters Relating to One Gerta Munsinger*. The Honourable Mr. Justice Wishart Flett Spence, Commissioner. September 1966. [Ottawa, Queen's Printer, 1966], 93 p.

Title: Royal Commission to Investigate the Demands of the Coal Miners of Western Canada, 1943-1944, .1 m (Vol. 1)

Background: On 21 September 1943, employees of the bituminous coal mines of Alberta and British Columbia voted to go on strike. The miners, represented by District 18, United Mine Workers of America (UMWA), demanded wage increases, two weeks' holidays with pay and overtime after a five-day work week. The UMWA maintained that the wages of coal miners in District 18 were less than those of coal miners in the United States. It also asserted that workers were leaving the mines and finding employment in other industries which offered higher pay.

The Western Canada Bituminous Coal Operators Association refused to negotiate with the UMWA because under the Wartime Wages Control Order only the National War Labour Board had authority to investigate wage conditions and labour relations in Canada.

The wages of coal miners, which had been set by an agreement of May 1938, and revised in April 1940, and August 1941, were to remain in effect until one year after the duration of the Second World War. In this case, the National War Labour Board had not received an application from the UMWA for a wage increase.

The Department of Labour tried without success to have the operators of coal mines meet with union officials for the purpose of negotiating differences between them. Moreover, the Department urged the UMWA to file an application of its demands with the National War Labour Board. But, the union insisted that unless increased wages were offered to the miners they would go on strike. A strike in the coal mining industry could lead to fuel shortages which would be unfortunate during the winter season. Moreover, the government considered coal as an essential commodity particularly for the production of munitions, and it was determined to maintain an adequate supply.

On 27 September, the Minister of Labour, Humphrey Mitchell, appointed G.B. O'Connor of the Western War Labour Board, and F.E. Harrison of the Department of Labour, as Industrial Disputes Inquiry Commissioners to investigate the dispute. But, their attempt to avert a strike failed and the miners planned to walk out on 15 October. The strike was called off because on 14 October the Government of Canada appointed a royal commission under the chairmanship of G.B. O'Connor, to inquire into wage rates of the coal miners in Alberta and British Columbia. The inquiry barely got started, however, when it suspended work. On 29 October, the Minister of Labour was advised by telegram from the President of District 18, UMWA, Robert Livett, that the miners would go out on strike unless the Order in Council setting up the royal commission was changed so that the commission would not have to report directly to the National War Labour Board.

In order to resolve this issue, the Minister of Labour invited officials of the UMWA to Ottawa during the first week of November 1943, for a conference. The union agreed to meet with the Minister but nevertheless sent out strike notices and, on 31 October, the employees of the coal mining companies, representing some 8,500 men in Alberta and British Columbia, went out on strike.

On 6 November an agreement was reached between the Department of Labour and the UMWA. The miners would return to work and the royal commission would be given the powers and authority of a Regional War Labour Board for the purposes of investigating the union's demands. This meant that coal miners and operators would have the right to appeal the recommendations of the royal commission to the National War Labour Board. By virtue of this agreement, the royal commission resumed its work, on 10 November 1943, and by 15 November, all the strikers were back at work (*Labour Gazette*, Vol. XLIII, October 1943, pp. 1371-1372, November 1943, pp. 1520-1521 and December 1943, pp. 1632-1635).

Hearings of the commission were held in Calgary and Edmonton from 29 October 1943 to 18 January 1944.

Authority:

Order in Council P.C. 8020, 14 October 1943, under Part I of the *Inquiries Act* (R.S.C. 1927, c. 99) and on the recommendation of the Minister of Labour. By Order in Council P.C. 8620, 10 November 1943, the commission was granted the powers and authority of a Regional War Labour Board as constituted under provisions of the Wartime Wages Control Order.

Terms of Reference:

To inquire into the wage rates paid to persons employed in the operation of coal mines in the provinces of Alberta and British Columbia and into all matters relevant to or affecting the application of the Wartime Wages Control Order (Order in Council P.C. 5963 of 10 July 1942) in respect thereof and to report to the Minister of Labour and the National War Labour Board together with such recommendations as to measures to be taken in accordance with the principles and provisions of the Wartime Wages Control Order as the Commissioners deem advisable.

Commissioners:

G.B. O'Connor, Chairman; T.W. Laidlaw and L.D. Hyndman.

Secretary:

F.E. Harrison.

Records:

Transcripts of hearings including an index.

There are no finding aids for this material.

Additional References:

National Archives of Canada, Records of the National War Labour Board, RG 36/4, Vol. 33, file 909-1-42-0, which contains a statement showing the effect of wage increases and holiday benefits with respect to Income Tax and Treasury Board Costs and also includes a copy of the Interim and Final Reports of the commission on wage rates for coal miners in Alberta and British Columbia.

Reports:

Interim Report. Dated 17 November 1943. Not tabled in the House of Commons. Printed as: *First Interim Report of the Royal Commission appointed under Letters Patent of 14th day of October, A.D. 1943, pursuant to a Minute of Meeting of the Privy Council, approved by His Excellency The Governor General, on the 14th day of October 1943, being P.C. 8020. Labour Gazette*, Vol. XLIII, December 1943, pp. 1632-1635.

Final Report. Dated 24 January 1943. Not tabled in the House of Commons. A typescript entitled "Final Report of the Royal Commission appointed under Letters Patent of the 14th day of October, A.D. 1943, pursuant to a Minute of Meeting of the Privy Council, approved by His Excellency the Governor General, on the 14th day of October 1943, being P.C. 8020," 9 p., is available in the National Archives of Canada, Records of the National War Labour Board, RG 36/4, Vol. 33, file 909-1-42.

Title: Commission to Inquire into the Circumstances Connected With the Disposal of Printed Matter in the Distribution Office of the Government Printing and Stationery Office and at the same time to Investigate the Particulars of all Material and Equipment Purchased, Sold or Otherwise Disposed of in or from the Government Printing Bureau Since the 1st day of January 1919, 1919-1923, .3 m (Vols. 1-3)

Background: On 15 March 1918, the Civil Service Commission had a study undertaken of the Department of Public Printing and Stationery and hired the firm of Arthur Young and Company to do it. The consultants recommended the transfer of the Distribution Office, in which the stocks of government publications were kept, to the main Printing Bureau. Before the Distribution Office could be relocated, it was necessary to dispose of the large quantity of surplus and obsolete publications in it.

The supervision of the disposal of unneeded publications at the Distribution Office, and in other government departments, was the responsibility of the Editorial Committee on Government Publications. The committee, established in 1917, had been given that responsibility by an Order in Council of 10 March 1920.

The Editorial Committee decided to distribute surplus publications to various university, legislative and public libraries throughout Canada. Some publications were distributed by this means but a very large quantity remained on hand in the Distribution Office. The Editorial Committee made up an inventory of these publications and, in July 1920, it sent out a circular to various libraries throughout Canada asking them to choose the publications they wanted. As a result, several institutions sent in orders for publications.

Before these orders could be filled, the committee learned, in September 1920, that the surplus material, consisting of 152 tons or approximately 100,000 items, had been destroyed by A.L. Florence and Sons, the contractors with the government for the collection of waste paper. Some of this material consisting of *Hansard*, *Sessional Papers*, *Journals* and *Debates* of the House of Commons and Senate, statutes, departmental reports and other government publications, dated back to pre-Confederation.

As a result, on 7 October 1920, the Editorial Committee recommended that the Government of Canada establish a public inquiry to report on the circumstances which led up to the disposal of the publications ("An Inquiry under Royal Commission into the Disposition of a Quantity of Publications from the Distribution Branch of the Government Printing Bureau, Department of Public Printing and Stationery, Report of Colin George Snider, Commissioner" and Special Report of the Editorial Committee on Governmental Publications to the Sub-Committee of Council on Government Publications, 7 October 1920, RG 33/98, Vol. 2, folder 5).

Hearings of the commission were held in Ottawa from 13 January to 26 May 1921, and in Montreal on 28 May 1921.

Authority: Order in Council P.C. 3208, 27 December 1920, under Part I of the *Inquiries Act* (R.S.C. 1906, c. 104) and on the recommendation of the Secretary of State. The terms of reference were extended by Order in Council P.C. 7, 10 January 1921.

Terms of Reference: To inquire and report upon: all the circumstances connected with delivery of a large quantity of printed matter, held by the Distribution Branch of the Government Printing and Stationery Office, to Messrs. Florence and Sons and the destruction thereof; and the particulars of all material and equipment purchased, sold or otherwise disposed of, in or from the Printing Bureau since 1st January 1919.

Commissioners: Colin George Snider.

Records: Transcripts of hearings, exhibits, correspondence, newspaper clippings, reports of the Editorial Committee on Government Publications and a copy of the interim and final report of the commission.

There is no finding aid for this material.

Reports Interim Report. Dated 10 March 1921. Tabled in the House of Commons on 3 June 1921. Sessional Paper No. 184, 1921. Not Printed. A typescript entitled "An Inquiry under Royal Commission into the Disposition of a Quantity of Publications from the Distribution Branch of the Government Printing Bureau, Department of Public Printing and Stationery, Report of Colin George Snider, Commissioner," 16 leaves, is available in the records of this commission.

Final Report. Dated 6 June 1921. Not tabled in the House of Commons. Not printed. A typescript entitled "An Inquiry under Royal Commission into the particulars of all Material and Equipment Purchased, sold or otherwise disposed of from the Government Printing Bureau since the 1st of January 1922," 21 leaves, is available in the records of this commission.

Title: Royal Commission to Inquire into the Immigration of Italian Labourers to Montreal and the Alleged Fraudulent Practices of Employment Agencies, 1903- 1905, 0.2 m (Vols. 1-2; microfilm reel T-3473)

Background: Early in 1904, the government received complaints about the influx of a large number of Italian labourers to Montreal. They had been induced to come there on the understanding that they would find immediate employment in construction with the Grand Trunk Pacific Railway but for many of them there was no work available. Consequently, in April 1904, the Deputy Minister of Labour held an inquiry into this matter under the *Railway Labour Disputes Act* (2 Edw. VII, c. 55)

As a result of this investigation, on 23 May 1904, the Government of Canada appointed a Royal Commission to Investigate the Alleged Employment of Aliens in Connection with Surveys of the Grand Trunk Pacific Railway. (These surveys were undertaken for the proposed National Transcontinental Railway.)

For a number of years, Italian labourers had been hired to work on railway construction, and on other public works in Canada. Since 1901, for example, George E. Burns, officer in charge of the special service department of the Canadian Pacific Railway Company had engaged Italian immigrants to work for that company. They were hired through arrangements made with Antonio Cordasco of Montreal, who represented himself as an agent for the Canadian Pacific Railway Company in Canada. In 1904, Cordasco advertised in *La Patria Italiana* and *Corriere del Canada*, two Italian newspapers published in Montreal, that 10,000 Italian labourers were required for employment in Canada. Cordasco had copies of these newspapers sent to Italy and also made arrangements with agents in Italy, and in the United States, to assist him in getting the required number.

It was alleged that upon their arrival in Canada, the immigrants could not obtain a job with the Canadian Pacific Railway without first going to Cordasco and paying him a fee for the promise of employment. Furthermore, it was alleged that Mr. Burns refused to employ any Italians with that railway company unless arrangements had been made with Cordasco. The evidence presented to the Commissioner shows that there were at least 6,000 Italian immigrants in Montreal in the month of May 1904, many of whom had no chance of finding employment with the railway at all. This situation caused considerable distress to the newcomers. It also caused dissatisfaction among the working classes of Montreal where the labour market was severely overcrowded.

As dissatisfaction grew, the Government of Canada, on 20 June 1904, decided to enlarge the mandate of Judge Winchester as Commissioner investigating employment practices of the Grand Trunk Pacific Railway. This gave him a broader mandate in his

investigation of the circumstances by which Italian labourers had come to Montreal (*The Royal Commission Appointed to Inquire into the Immigration of Italian Labourers to Montreal and the Alleged Fraudulent Practices of Employment Agencies*. Report of Commissioner and Evidence. Ottawa, 1905 and Government Archives Division. General Inventory Series. Records of the Department of Labour (RG 27). John Smart, National Archives of Canada, Minister of Supply and Services, 1988, pp. 5 and 6).

Hearings of the commission were held in Montreal from 30 June to 26 July 1904. Over 60 exhibits were filed with the commission.

Authority: Order in Council P.C. 1230, 20 June 1904, under the *An Act Respecting Inquiries Concerning Public Matters* (R.S.C. 1886, c. 114) and on the recommendation of the Minister of Labour. This Order in Council extended the mandate given to Judge Winchester by Order in Council P.C. 997, 23 May 1904.

Terms of Reference: To inquire into and to report upon the circumstances which have induced Italian labourers to come to the City of Montreal from other countries during the present year, the persons engaged directly or indirectly in promoting their immigration, and the means and methods adopted in bringing about such immigration.

Commissioner: John Winchester.

Records: Correspondence of Judge Winchester, Antonio Cordasco, Alberto Dini, etc.; newspaper clippings and copies of *La Patria Italiana*, *Corriere del Canada* and *Giuseppe Garibaldi*; booklets of the Italian Immigration Aid Society, advertisements, which include the sailing dates of passenger vessels, and related documents. These records are also available on microfilm.

Consult finding aid 33/99-97.

Additional References: National Archives of Canada, photographic records, acc. no. 1979-312; Canada. Royal Commissions, Collection includes one photograph of Antonio Cordasco, Montreal, Quebec, 1904.

Report: Dated 24 March 1905. Tabled in the House of Commons on 19 May 1905. Sessional Paper No. 36b, 1905. Printed as: *The Royal Commission Appointed to Inquire into the Immigration of Italian Labourers to Montreal and the Alleged Fraudulent Practices of Employment Agencies*. Report of Commissioner and Evidence. Ottawa, King's Printer, 1905, xli 173 p.

Related Publications: *The Royal Commission re the alleged employment of aliens in connection with surveys of the proposed Grand Trunk Pacific Railway. Report of Commissioner*. Ottawa, King's Printer, 1905, vii, 65 p.

- Title:** Royal Commission on Naturalization, 1931, .1 m (Vol. 1)
- Background:** In the period before 1947, Canada's *Naturalization Act* conferred British Citizenship on persons in Canada by birth or by naturalization. Natural born British subjects were defined as persons born in Canada, or in some other British Dominion or territory, who made their home in Canada. Naturalized British subjects were defined as persons who came to Canada as aliens and became British subjects by naturalization.
- Under Section 9 of the *Naturalization Act* (R.S.C., 1927, c. 138), the Governor in Council, on a report of the Secretary of State, could revoke a certificate of naturalization in force in Canada for the following reasons: for trading with the enemy, for serving a term of imprisonment, for being of bad character, for being a non-resident of a British Dominion or territory for seven years or more, or for being a subject of an enemy country.
- Before revocation, the Secretary of State of Canada could recommend that the Governor in Council appoint a commission of inquiry under provisions of both the *Naturalization Act* and Part I of the *Inquiries Act*, to investigate particular cases.
- In February 1931, James Gamble Wallace was appointed Commissioner for this purpose because representations had been made to the Secretary of State, C.H. Cahan, that certain individuals had obtained naturalization certificates by fraudulent means (R.S.C., 1927, c. 138; Order in Council P.C. 267, 7 February 1931; and "An Interim Report of James Gamble Wallace, Commissioner, appointed on the 7th day of February 1931, to inquire into and report upon all cases referred to him by the Secretary of State of Canada regarding the revocation of Naturalization Certificates").
- Hearings of the commission were held in Montreal, from 20 April to 30 April 1931, and in Ottawa on 18 May 1931.
- Authority:** Order in Council P.C. 267, 7 February 1931, under provisions of the *Naturalization Act* (R.S.C., 1927, c. 138) and Part I of the *Inquiries Act* (R.S.C., 1927, c. 99) on the recommendation of the Secretary of State.
- Terms of Reference:** To inquire into and report upon all cases from time to time referred to the Commissioner by the Secretary of State of Canada in which may be considered the revocation of Naturalization Certificates.
- Commissioner:** James Gamble Wallace.
- Records:** Transcripts of hearings held in Montreal, which includes a nominal index.
- There is no finding aid for this material.

Report:

Interim Report, dated 19 May 1931. Not tabled in the House of Commons. A signed typescript entitled "An Interim Report of James Gamble Wallace, Commissioner, appointed on the 7th day of February 1931, to enquire into and report upon all cases referred to him by the Secretary of State of Canada regarding the revocation of Naturalization Certificates," 22 p., is attached to Order in Council P.C. 1324, 10 June 1931 (National Archives of Canada, Records of the Privy Council Office, RG 2, 1, Vol. 1486).

No further report has been located.

Title: Commission of Inquiry Into the Non-Medical Use of Drugs, 1957-1973, 40 m (Vols. 1-171; microfilm reels M-4219 to M-4232; acc. nos. 1977-78/207 and 1980-81/014, 13.7 m, boxes 1-23 and 1-22; also includes electronic records)

Background: During the 1960s, there was a sudden increase in the availability and use of certain psychotropic (mind-altering) drugs such as: sedatives, including barbituates and "sleeping pills"; tranquillizers, including chlorpromazine; stimulants, including amphetamines or "speed drugs" and cocaine; and psychedelic-hallucingens, including cannabis (marijuana and hashish), LSD, psilocybin and mescaline.

About the same time, the practise of inhaling the fumes of certain solvents, for example, various types of glue, nail polish remover, and cleaning fluid became more prevalent.

As the use of illicit drugs became more widespread, the number of arrests for drug offences, particularly relating to cannabis, rose dramatically. This, in turn, caused a great deal of discussion about law and law enforcement with respect to the non-medical use of drugs.

Up to the 1960s, considerable research had been carried out especially on alcohol, tobacco, and on opiate narcotics (opium and heroin). On the other hand, relatively little was known about the use of LSD and cannabis, and information about the non-medical use of prescription drugs such as tranquillizers and amphetamines was inadequate.

In response to the concern over the use of illicit drugs and the need to obtain more information about some of them, the federal Minister of Health and Welfare, John Munro, announced in the House of Commons, on 1 May 1969, the appointment of a commission of inquiry into the non-medical use of drugs.

In particular, the commission was to examine those psychotropic drugs having sedative, stimulant, tranquillizing or hallucinogenic properties. According to the Commissioners, their most important task was to determine the motivation for the non-medical use of drugs and to place its occurrence in a suitable social and philosophic context:

"It is necessary to consider not only the effects, extent and causes of such use, but the range of social response and attitudes which such use has elicited from government, other institutions and individuals. For non-medical drug use and the social response to it are interacting and mutually conditioning phenomena." (*Interim Report of the Commission of Inquiry into the Non-Medical Use of Drugs* [Ottawa, Queen's Printer, 1970] and Order in Council P.C. 112, 29 May 1969.)

Hearings of the commission were held in all 10 provincial capitals of Canada and in Saint John, Moncton, Sackville, Trois-Rivières,

Sherbrooke, Lennoxville, Montreal, Sept-Îles, Baie-Comeau, Ottawa, Kingston, Sudbury, London, Thunder Bay, Hamilton, Windsor, Saskatoon, Calgary and Vancouver, from 16 October 1969 to 20 November 1970 and 19 February 1971. These included informal sessions held at several universities and at coffee houses in Montreal, Toronto and Vancouver.

In addition, private hearings were held with the Royal Canadian Mounted Police, the Addiction Research Foundation, the Canadian Bar Association, the Canadian Medical Association and other associations. The commission also received valuable assistance from a number of organizations and individuals in the field of the non-medical use of drugs, including law enforcement officers and officers in treatment centres, in Canada, the United States, Great Britain and other countries.

The commission received 507 formal submissions and numerous letters.

Authorities:

Order in Council P.C. 1112, 29 May 1969, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Minister of Health and Welfare.

Terms of Reference:

To inquire into and report upon the factors underlying or relating to the non-medical use of the drugs and substances, with particular reference to:

- (a) The data and information comprising the present fund of knowledge concerning the non-medical use of sedative, stimulant, tranquillizing, hallucinogenic and other psychotropic drugs or substances;
- (b) the current state of medical knowledge respecting the effect of the drugs and substances referred to in (a);
- (c) the motivation underlying the non-medical use referred to in (a);
- (d) the social, economic, educational and philosophical factors relating to the use for non-medical purposes of the drugs and substances referred to in (a) and in particular, on the extent of the phenomenon, the social factors that have lead to it, the age groups involved, and problems of communication; and
- (e) the ways or means by which the federal government can act, alone or in its relations with government at other levels, in the reduction of the dimensions of the problems involved in such use.

Commissioners:

Gerald Le Dain, Chairman; Ian Lachlan Campbell; Heinz E. Lehmann, J. Peter Stein and Marie-Andrée Bertrand. André Lussier, an original member of the commission, resigned on 25 June 1969 and Marie-Andrée Bertrand was appointed to replace him (Order in Council

P.C. 1961, 10 October 1969).

- Secretary:** James J. Moore. After Moore's resignation, in the fall of 1972, his duties were carried out by Frederick Brown and C. Michael Bryan.
- Records (Textual):** Transcripts of hearings, submissions, research studies and working papers, newspaper clippings, drafts of the report of the commission, minutes of meetings and conferences, correspondence and related documents.
- Consult finding aid 33/101-98 which includes a card index.
- Records (EDP):** Nine data files containing survey information produced for the commission for the purpose of determining the extent, patterns and effects of the non-medical use of drugs in Canada, as well as perceptions of and attitudes towards drugs and drug use (RG 33/101, acc. nos. G0000036 to G0000038 and G0000114 to G0000119).
- Additional References:** National Archives of Canada, photographic records, acc. no. 1969-190: Canada. Commission of Inquiry into the Non-Medical Use of Drugs. Three photographs of the Royal Commission on the Non-Medical Use of Drugs in session, 1969. Acc. no. 1976-031: Canada. Commission of Inquiry into the Non-Medical Use of Drugs. Total of 1,354 photographs on the following subjects, 1969-1972: the eyes of drug users seen during a two-month period; paintings and drawings by drug users; "street people," who were possibly interviewers employed by the commission. Acc. no. 1980-005: Canada. Commission of Inquiry into the Non-Medical Use of Drugs. Eleven photographs of rock festivals in Ontario, n.d.
- National Archives of Canada, Commission of Inquiry into the Non-Medical Use of Drugs. Audio-visual records. Audiotapes of proceedings of hearings and international symposia relating to the work of the commission, 1969-1971, approx. 100 h, acc. no. 1974-0076; audiotapes and audiocassettes of interviews, radio programs and hearings relating to the work of the commission, 1970-1971, approx. 80 h, acc. no. 1976-0020; and audiocassettes of seminars on education and interviews of school students relating to the work of the commission, 1969-1970, approx. 3 h, acc. no. 1979-0080.
- National Archives of Canada, Records of the Department of National Health and Welfare, RG 29, Vol. 1280-1281, file 55-10-2, parts 1-7, files from the Minister's Office relating to the work of the Commission of Inquiry on the Non-Medical Use of Drugs, 1969-1971; Vols. 1539-1540, files 1003-L1-1 and 1003-L1-2, 1969-1974, material from the Deputy Minister's Office on the LeDain Commission, including an "Interior Report" on the commission; and Vols. 1581-1584, file 1018-5-4 to 1018-7-7, files from the Deputy Minister's Office relating to the use of drugs such as alcohol, heroin and cannabis, 1970-1975.
- Reports:** Interim Report. Dated 6 April 1970. Tabled in the House of Commons on 19 June 1970. Sessional Paper No. 282-4/105, 1969-1970. Printed as: *Interim Report of the Commission of Inquiry into the Non-Medical*

Use of Drugs [Ottawa, Queen's Printer, 1970], 557 p. and appendixes A-F.

Report on Treatment. Dated 21 January 1972. Not tabled in the House of Commons. Printed as: *A Report of the Commission of Inquiry into the Non-Medical Use of Drugs: Treatment* [Ottawa, Information Canada, 1972], x, 125 p.

Report on Cannibus. Undated. Tabled in the House of Commons on 17 May 1972. Sessional Paper No. 284-4/105, 1972. Printed as: *Cannibus: A Report of the Commission of Inquiry into the Non-Medical Use of Drugs* [Ottawa, Information Canada, 1972], xiii, 426 p.

Final Report. Dated 14 December 1973. Tabled in the House of Commons on 14 December 1973. Sessional Paper No. 291-4/105, 1973-1974. Printed as: *Final Report of the Commission of Inquiry into the Non-Medical Use of Drugs* [Ottawa, Information Canada, 1973], xxvi, 1148 p.

Related Publications:

References to publications on the non-medical use of drugs are included in the various reports of the commission.

Title: Steel Profits Inquiry, 1970-1974, .4 m (Vols. 1-4)

Background: Early in May 1974, the Steel Company of Canada Ltd. (Stelco) informed the Government of Canada that it planned to increase the price of about one-third of its finished steel products nearly 12 percent, effective 15 May. Even though the government was defeated in Parliament, and an election was called for 8 July, the federal Minister of Industry, Trade and Commerce, Alastair Gillespie, met with the President of Stelco, Peter Gordon, on 13 May, and urged him to delay the date of the increases. Gordon refused and the increases went into force, as scheduled. Almost immediately, Algoma Steel Corporation Ltd. and Dominion Foundaries and Steel Ltd. (Dofaco) also raised their prices.

Because of the possible effect of the increases to the Canadian economy, the government appointed a public inquiry to investigate them and to determine whether profiteering was involved.

It appears that the reason for the establishment of the inquiry was largely political. It came at the start of a federal election campaign in which inflation was a major issue (RG 33/102, Vol. 4, files entitled "General Articles, Inquiry Hearings"; and "General Articles, Steel Industry").

Hearings of the commission were held in Sydney, Montreal, Toronto, Winnipeg, Regina and Vancouver, from 13 June to 18 September 1974. There were 95 exhibits filed with the commission.

Authority: Order in Council P.C. 1177, 22 May 1974, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Industry, Trade and Commerce.

Terms of Reference: To inquire into and report concerning increases in the price of steel products made effective 15 May 1974, by the Steel Company of Canada and also concerning any increases that may be announced by any other producer of primary iron and steel products and to report whether such increases are exacting profit margins on the sale or distribution of such products that are greater than would customarily obtain on such sale or distribution; and further,

to inquire into and report on whether producers of primary iron and steel products are:

- (i) exacting profit margins on the sale or distribution of such products that are greater than would customarily obtain on such sale or distribution; or
- (ii) withholding or causing to be withheld from sale or distribution an inventory of the products that is substantially in excess of that which they would normally hold or cause to be held with intention of realizing, at a later date, a profit margin on the

sale or distribution of the articles that is greater than they would customarily obtain on such sale or distribution.

Commissioner: Willard Zebedee Estey.

Secretary: Arthur Simms.

Records: Transcripts of hearings, exhibits and working papers.

Consult finding aid 33/102-99.

Report: Dated 31 October 1974. Not tabled in the House of Commons. Printed as: *Steel Profits Inquiry*. October 1974. By the Honourable Mr. Justice Willard Z. Estey, Commissioner [Ottawa, Information Canada, 1974], iii, 162 p.

Title: Airport Inquiry Commission, 1965-1974, 7.6 m (Vols. 1-25)

Background: In December 1968, the federal Minister of Transport, Paul Hellyer, announced that the Toronto International Airport at Malton would not be enlarged beyond its current boundaries. Limited expansion within its boundaries would be allowed until a second International Airport to serve the Toronto area was ready. The intention was to restrict the volume of air traffic, as well as the noise level at Malton, for the benefit of people living in the area.

Over 50 sites were examined as alternatives to the Malton Airport using the following criteria: safety and technical aviation considerations, social and environmental effects, regional planning, passenger convenience and costs.

After several studies, on 2 March 1972, the federal Minister of Transport, Don Jamieson, and the Treasurer of Ontario, Darcy McKeough, made a joint announcement that a new International Airport for Toronto would be located about 30 miles northwest of the City in Pickering Township. At that time, Darcy McKeough told the Ontario Legislature that the Pickering site was chosen for the following reasons:

"In the first place, it is an excellent site, consistent with safety and other aeronautical considerations.

Secondly, it is also the closest site to Toronto of all the proposed sites and, therefore, provides the easiest accessibility.

Thirdly, because it is reasonably close to Lake Ontario and to a number of major transportation arteries leading out of Toronto, investment in water, sewage and transportation access facilities will be less than at other sites.

Fourthly, even though it is close to Toronto, population in the immediate vicinity of the new airport is small. No major communities will be seriously affected by expropriation or very high noise levels and the environmental impact is minimized.

Finally, and in many respects most important, the location of the airport east of Toronto is the result of joint federal-provincial effort to provide a major stimulus to development east of Metropolitan Toronto, as called for in the Toronto-Centered Region plan."

As a result, the Government of Canada took steps to expropriate the lands comprising the proposed site for the new airport and the Province of Ontario introduced legislation to acquire land in the vicinity as well. On 30 January 1973, when hearings under the federal *Expropriation Act* (R.S.C., 1970, c. E-19) concerning land in the Pickering area were tabled in Parliament, the Government of Canada affirmed its intention to expropriate. At the same time, the federal

Minister of Transport, Jean Marchand, announced that a public inquiry would be held to receive any new evidence regarding the need for and the location of a new International Airport and other relevant factors not previously considered.

Although its terms of reference were somewhat restrictive, Marchand's decision to appoint a public inquiry was, undoubtedly, influenced by groups such as the Pickering Township Council and the People Over Planes Committee which claimed that construction of an airport would not only harm the environment but disrupt life in communities in the Pickering area (*Report of the Airport Inquiry Commission*, Ottawa, Information Canada, 1974; RG 33/103, Vol. 12, exhibit 109; and House of Commons, *Debates*, 30 January 1973, pp. 812-815).

Organizational hearings were held in Malton, Pickering and Toronto from 20 to 22 February 1974 and public hearings were held in Malton, Pickering, Toronto and Brougham from 18 March to 21 August 1974. The Commissioners also consulted with experts engaged in the airline industry in London, Paris, Rome, West Berlin and in various cities in the United States. There were 569 exhibits filed with the commission.

Authority:

Order in Council P.C. 3026, 5 October 1973, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Committee of the Privy Council.

Terms of Reference:

To inquire into and report upon the air transportation needs of the central Ontario market as follows:

- (1) In relation to the decisions that there is a need for a new International Airport for the central Ontario market and that the new airport be located on the site near Pickering, to receive and record new evidence, if available and adduced, to report on such new evidence in response to the following questions:
 - (a) respecting need;
 - (i) what is the expected maximum passenger traffic volume in the domestic, trans-border and international air traffic markets for the year 1980 and what are the best estimates of rates of growth beyond 1980; and
 - (ii) is there any new evidence that Toronto International Airport, Malton, can be expanded or reconfigured, within present boundaries, to meet all reasonable needs, having regard to runway capacity, ground access, terminal capacity and the number of people affected by disturbance from flight operations for the period up to 1980, 1990 and 2000;

- (b) respecting location, is there any new evidence to prove that the site near Pickering is not suitable for the new International Airport having regard to:
 - (i) disturbance from flight operations;
 - (ii) passenger convenience;
 - (iii) regional economic effect;
 - (iv) total environmental effect, positive and negative; and
 - (v) facilities required, including related infrastructures such as roads, railways, guideways and helicopter facilities; and
 - (c) generally, is there any relevant factor that has not been considered by the Government of Canada, such, for example, as established facts on technology or travel habits, that may appear to affect any decision of the government taken to date?
- (2) To receive and report on any evidence adduced and, if deemed advisable, to make recommendations in so far as they are within federal legislative jurisdiction in response to the following questions:
- (a) should the new International Airport be principally international in character or should it serve some other function;
 - (b) what airline traffic sectors or parts thereof should be allocated to the new International Airport in the major first phase in order to relieve the disturbance caused by flight operations at Malton;
 - (c) to what extent should domestic and United States traffic be served at the new International Airport in addition to the airport having an international role;
 - (d) should the opening date of the major first phase be 1980 or later;
 - (e) should there be a partial or limited opening of the new International Airport prior to 1980;
 - (f) what should be the nature of:
 - (i) the ground access to the new International Airport; and
 - (ii) the inter-airport transportation between

Toronto International Airport, Malton, and the new International Airport; and

- (g) from the point of view of passenger convenience, should a downtown terminal or terminals be established in respect of Toronto International Airport, Malton or the new International Airport?

Commissioners: Hugh F. Gibson, Chairman; Murray V. Jones and Howard E. Petch.

Secretary: Audrey Faux.

Records: Transcripts of hearings of the commission, submissions, exhibits in the federal government's case, documents tabled in the Ontario Legislature, transcripts of hearings and exhibits under the *Expropriation Act* (index, Vol. 24, exhibit 138), documents relating to the Pickering Impact Study and related material.

Consult finding aid 33/103-100.

Additional References: National Archives of Canada, photographic records, acc. no. 1975-056: Canada. Airport Inquiry Commission. Twenty-seven photographs of arable land around Claremont, Ontario, 1973.

National Archives of Canada, Records of the Airport Inquiry Commission. Cartographic and architectural records. RG 33, M103, acc. no. 77803/19, 266 maps, plans and drawings.

Report: Undated. Tabled in the House of Commons on 31 January 1975. Sessional Paper No. 301-4/60, 1974-1976. Printed as: *Report of the Airport Inquiry Commission* [Ottawa, Information Canada, 1974], viii, 723 p.

Title: Commission Respecting Indian Lands and Indian Affairs Generally in the Province of British Columbia, 1913-1916, .6 m (Vols. 1-3; microfilm reels M-5232 to M-5236)

Background: Between 1875-1908, most of the Indian reserves in the Province of British Columbia were laid out. During the process, the Government of Canada insisted that adequate lands be set aside for the benefit and use of the aboriginal peoples. But, the Province of British Columbia wanted a reduction in the size of the reserves and insisted on a reversionary right by which it would become the owner of any native lands that were given up.

After lengthy negotiations, on 24 September 1912, an agreement was reached between the Government of Canada, represented by J.A.J. McKenna, and the Government of British Columbia, represented by Premier Richard McBride, which was intended to resolve the dispute between the two governments. The McKenna-McBride agreement not only provided for the establishment of a royal commission to adjust the size of Indian reserves, but the Province of British Columbia agreed to give up its claim to a reversionary interest, except in the case of abandoned reserves. It was further agreed that the province would receive half the proceeds from the sale of those reserve lands designated by the royal commission as surplus to the needs of each band, while the other half would be held in trust by the Government of Canada.

The Commissioners, who were appointed by letters patent dated April 1913, were further authorized, in June 1913, to prepare "a general report on the conditions of the Indians with suggestions as to future policy and administration of Indian Affairs in the Province of British Columbia."

The report of the *Royal Commission on Indian Affairs for the Province of British Columbia* was published in 1916. It contained specific recommendations with respect to each and every reserve in the province but the opposition of the aboriginal peoples caused delays in its acceptance. The Association of Allied Tribes of British Columbia, which was made up of the Salish, the Nisga and some of the coastal tribes of British Columbia, rejected the work of the royal commission because it wanted the issue of claims to aboriginal title resolved. The dispute over these and other issues, supposedly settled, came up again at other times (*Report of the Royal Commission on Indian Affairs for the Province of British Columbia*, Victoria, Acme Press Limited, 1916, pp. 1-20; *Annual Report of the Department of Indian Affairs*, Ottawa, Queen's Printer, 1924, pp. 7-8; and John Taylor, *Canadian Indian Policy during Inter-War Years, 1918-1939* [Department of Indian Affairs Northern Development, Ottawa, 1983], pp. 69-85).

From 1913 to 1916, the Commissioners, accompanied by the District Inspectors of the Department of Indian Affairs, conducted hearings

with the various Indian tribes and bands in the Province of British Columbia. They also took evidence from Indian agents, municipal councils and boards of trade. The commission filed 253 exhibits.

Authority:

Order in Council P.C. 3277, 27 November 1912 and Order in Council P.C. 644, 31 March 1913, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Prime Minister. By Order in Council P.C. 1401, 10 June 1913, the terms of reference were broadened. The Commissioners were authorized to conduct a more general investigation on issues such as water rights and fisheries rather than being confined to matters affecting native lands.

Terms of Reference:

- (1) The commission shall have power to adjust the acreage of Indian Reserves in British Columbia in the following manner:
 - (a) At such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the *Indian Act*, (R.S.C., 1906, c. 81) be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.
 - (b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians of that locality, the Commissioners shall fix the quantity that ought to be added for the use of such Indians. And they may set aside land for any Band of Indians for whom land has not already been reserved.
- (2) The province shall take all such steps as are necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers above set out.
- (3) The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.
- (4) The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.
- (5) All expenses in connection with the commission shall be shared by the Province and Dominion in equal proportions.
- (6) The lands comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion with full power to the Dominion to deal with

the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell the said lands and fund or use the proceeds for the benefit of the Indians, subject only to a condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct, then any lands within the territorial boundaries of the Province which have been conveyed to the Dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, shall be conveyed or repaid to the Province.

- (7) Until the final report of the commission is made, the Province shall withhold from pre-emption or sale any lands over which they have a disposing power and which have been heretofore applied for by the Dominion as additional Indian Reserves or which may during the sitting of the commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall be referred to the Commissioners who shall thereupon dispose of the question by an Interim Report, and each government shall thereupon do everything necessary to carry the recommendations of the Commissioners into effect.

Commissioners:

The Commissioners appointed by the federal government were: Edward Ludlow Wetmore, Chairman; Nathaniel W. White and James Andrew Joseph McKenna. James Pearson Shaw and Day Hort Macdowell were appointed Commissioners by the government of British Columbia. In 1914, Wetmore resigned and White became Chairman. Further, Saumarez Carmichael was appointed Commissioner in place of White (Order in Council P.C. 1059, 17 April 1914 and Order in Council P.C. 923, 3 April 1914).

Secretary:

J.G.H. Bergeron, who resigned on 1 May 1915, was replaced by C.H. Gibbons.

Records:

Transcripts of hearings, minutes of decision regarding Reserves and the report of the Commissioners.

Consult finding aid 33/104-111.

Additional References:

National Archives of Canada, Commission Respecting Indian Lands and Indian Affairs Generally in the Province of British Columbia. Cartographic and architectural records. RG 33, M104, acc. no. 78903/15, items 1-112 consisting of cartographic material.

National Archives of Canada, Records of the Department of Indian Affairs, RG 10, Vol. 1044-1045, drafts of the report of the Commission

on Indian Lands in British Columbia and confirmation of evidence; RG 10, Vol. 1285-1286, correspondence and drafts of the report of the royal commission; RG 10, Vol. 1450, correspondence with Indian agents in New Westminster regarding inquiries about the royal commission; RG 10, Vol. 1566, proceedings of the royal commission in its dealings with the Indian bands of the West Coast Agency; RG 10, Vols. 11019-11028, correspondence, exhibits and hearings of the royal commission; and RG 10, Vol. 11064, records relating to the royal commission and the adjudication of its findings.

Report:

Undated. Tabled in the House of Commons on 11 March 1920. Sessional Paper No. 66, 1920. Printed as: *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*. Printed by Order. Victoria, British Columbia. Printed by Acme Press Limited, 1916. 4 Vols., 956 pp. and several maps. The report includes 98 interim reports, dated from 21 May 1913 to 27 April 1916, five progress reports, dated from 26 November 1913 to 20 December 1915, and the general report of the Commissioners.

Related Publications:

Maps of Indian Reserves and Settlements in the National Map Collection. Volume I: British Columbia. Compiled by Linda Camponi, Diane Tardiff-Côté and Guy Poulin, Ottawa, Public Archives of Canada, National Map Collection, 1980, xx, 157 p., ill.

Title: Commission to Investigate into and report upon the potentialities of the Arctic and Sub-Arctic Regions of Canada as a Grazing Country for the Development of Musk Ox and Reindeer Herds for Commercial and National Purposes, 1920, .1 m (Vol. 1)

Background: On 11 November 1918, at the Empire Club in Toronto, Vilhjalmur Stefansson, the Canadian Arctic explorer, proposed a scheme for the introduction of domesticated reindeer into the Arctic and sub-Arctic of Canada. He also was in favour of the domestication of musk-ox which were of potential commercial value not only for meat, but also for wool. Stefansson submitted the same proposal to Duncan Campbell Scott, the Deputy Superintendent General of Indian Affairs, and Arthur Meighen, the Minister of the Interior as well. Both men appeared interested in it and Meighen arranged for Stefansson to speak before a joint session of the House of Commons and the Senate. On 6 May 1919, Stefansson told the parliamentarians of his plans for converting the vast grazing lands of Northern Canada into a wool and meat producing area. Following his speech, Meighen's recommendation to the Cabinet that the Government of Canada appoint a royal commission to look into the possibility of developing a musk-ox and reindeer industry met with approval.

But, one authority, Richard Diubaldo, questioned the government's decision in establishing a royal commission:

"One wonders why the Canadian government embarked upon the course of creating a royal commission, when for all intents and purposes a government policy had been established on the question almost one year prior to the commission's creation and even before Stefansson's earnest campaigning."

After all, the government had granted grazing privileges to the North American Reindeer Company for reindeer herds as early as July 1918. Diubaldo suggests that the proposed domestication of the musk-ox, which was declared a protected species in 1917, might have had something to do with the need for further investigation. At any rate, the government recognized Stefansson's efforts in promoting the scheme by appointing him a Commissioner. His service to the royal commission, however, was short lived. He was forced to resign, in March 1920, because he applied for a lease to carry out his own project for the domestication of reindeer on Baffin Island (Richard J. Diubaldo, *Stefansson and the Canadian Arctic*, Montreal, McGill-Queen's University Press, 1978, pp. 135-148).

Hearings were held in Ottawa from 24 January to 12 May 1920.

Authority: Order in Council P.C. 1079, 20 May 1919, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Minister of the Interior.

Terms of Reference:	To investigate into and report upon the potentialities of the Arctic and the sub-Arctic regions of Canada as a grazing country for the development of a musk-ox and reindeer industry from a business and national standpoint.
Commissioners:	John Gunion Rutherford, Chairman; James Stanley McLean, James Bernard Harkin and Vilhjalmur Stefansson. Stefansson resigned on 12 March 1920.
Secretary:	J.C. Campbell.
Records:	<p>Transcripts of hearings, with an index and a typescript of the report of the commission signed by the Commissioners.</p> <p>There is no finding aid for this material.</p>
Additional References:	<p>National Archives of Canada, J.B. Harkin Papers, MG 30, C169, Vol. 2, file entitled "Canadian Musk-Ox and Reindeer Commission, 1920."</p> <p>National Archives of Canada, J.J. Woodside Papers, MG 30, C64, Vol. 39, file 1, file entitled "Royal Commission on Reindeer and Musk-Oxen, 1921-1928."</p>
Report:	Dated 1 April 1921. Tabled in the House of Commons on 4 May 1921. Sessional Paper No. 162, 1921. Not printed in <i>Sessional Papers</i> . Printed as: <i>Report of the Royal Commission Appointed by Order in Council of Date May 20, 1919 to Investigate the Possibilities of the Reindeer and Musk-Ox Industries in the Arctic and Sub-Arctic Regions of Canada</i> . John Gunion Rutherford, Chairman, <i>et. al.</i> , Ottawa, King's Printer, 1922, 99 p.

Title: Commission of Inquiry into the Circumstances Surrounding the Crash of a Lockheed L188 Aircraft, Registration CF-PAB, in the Vicinity of Rea Point in the Northwest Territories, on the 30th day of October, 1974, 1972-1976, .8 m (Vols. 1-4)

Background: On 29 October 1974, a Lockheed L-188 Electra aircraft (Registration No. CF-PAB), owned and operated by Panarctic Oils Ltd., was on a flight from Calgary (via Edmonton) to Rea Point on Melville Island in the Northwest Territories. Flight 416, as it was known, crashed during an instrument approach to Rea Point at approximately 12:15 a.m., Mountain Standard Time, on 30 October. All 30 passengers, and two of the four crew members on board died in the accident.

According to the Aircraft Accident Report of Transport Canada, the airplane descended gradually on the approach to Rea Point to about 100 feet below the authorized minimum descent altitude. Then, at about three miles from the runway, it descended rapidly and struck the sea about two and one half miles short of its goal.

The aircraft, heavily damaged by the impact, was further damaged by fire. The cockpit broke away from the fuselage and several of the larger portions of the wreck went into the water.

Due to the loss of life, a coroner's inquest was convened at Yellowknife. On 1 November 1975, it recommended that a public inquiry be held into events immediately before and after the accident for the following reason: "As noted without the testimony of the two survivors and other key witnesses to clarify existing discrepancies we cannot come to a firm and comprehensive verdict."

As early as 3 December 1974, Howard Johnston, Member of Parliament for Okanagan-Kooteney, had called for a public inquiry into the air crash but the government refused. Once it was learned that important witnesses had not testified at the coroner's inquest, Johnston and other Members of Parliament were determined about the need for a royal commission. Finally, on 7 November, the federal Minister of Justice, Ron Basford, announced in the House of Commons that, due to the recommendations of the coroner's jury, a royal commission would be appointed after all. On 20 November 1975, the inquiry into the accident was formally established (RG 33/106, Vol. 1, Panarctic Inquiry, exhibit no. 3, Inquisition of Coroner's Jury with recommendations, 1 November 1975, and exhibit no. 4, Aviation Safety Investigation Division, Transport Canada, Aircraft Accident Report, Lockheed L-188, CF-PAB, Rea Point, Melville, Is., N.W.T., 30 October 1974; and House of Commons, *Debates*, 3 December 1974, p. 1923; 16 June 1975, p. 6772; 14 July 1975, pp. 7560-7561; 27 October 1975, p. 8562; 3 November 1975, p. 8775; and 7 November 1975, p. 8954).

Hearings of the commission were held in Yellowknife from 3 February to 20 February 1976, and in Edmonton from 5 April to 9 April 1976. The commission filed 115 exhibits.

Authority: Order in Council P.C. 2726, 20 November 1975, under Part I of the *Inquiries Act* (R.S.C. 1970, c. I-13) and on the recommendation of the Minister of Justice.

Terms of Reference: To inquire into and report upon the circumstances surrounding the crash of a Lockheed L-188 aircraft, registration CF-PAB, in the vicinity of Rea Point, in the Northwest Territories, on the 30 October 1974, and the cause or causes of the crash.

Commissioner: William Alexander Stevenson.

Records: Exhibits, transcripts of hearings and freight receipts.

Consult finding aid 33/106-101.

Additional References: National Archives of Canada, Royal Commission into the Crash of a Lockheed Aircraft near Rea Point, N.W.T., 30 October 1974. Cartographic and architectural records. RG 33, M106, acc. no. 78903/13, items 1-9, consisting of air navigation charts, weather maps and a design of a Fairchild Model 5424 Flight Data Recorder.

National Archives of Canada, photographic records, acc. no. 1978-082: Canada. Commission of Inquiry into the Crash of a Panarctic Electra Aircraft. Eighteen photographs of wreckage of the Lockheed Electra aircraft CF-PAB which crashed near Rea Point, N.W.T., 1974.

Report: Dated 29 June 1976. Not tabled in the House of Commons. Printed as: *Inquiry into the Matter of a Crash of a Panarctic Electra Aircraft at Rea Point, Northwest Territories, October 30, 1974, before His Honour Judge W.A. Stevenson. Report* [Edmonton], 1976, 38, 18 pp.

Title: Commission to Investigate into and Report Upon Claims of Certain Canadian Pelagic Sealers Alleged to have been Damnified by Reason of the Pelagic Sealing Treaty of the Seventh July, 1911, between Great Britain and the United States, Russia, and Japan, and by the Paris Award Regulations of 1893, 1910-1916, 1.5 m (Vols. 1-7; microfilm reels T-12047 to T-12053 and T-12358 to T-12362)

Background: A dispute over pelagic sealing (that is the killing, capturing or pursuing of seals at sea) occurred in 1886 when the United States, in an effort to control the number of seals being hunted, seized three British sealing vessels in the Bering Sea. The sealers, outraged by this action, and the subsequent seizure of vessels manned by British subjects in international waters of the North Pacific Ocean, appealed to Great Britain to intervene on their behalf. Negotiations between the United States and Great Britain over the fur-seal fishing dispute resulted in a treaty between the two nations which was signed in 1892. As a result, all outstanding issues in the region were referred to arbitration by an international tribunal.

Consequently, the Bering Sea Award of 1893 (also known as the Paris Award Regulations) disallowed the claim of the United States to exclusive jurisdiction over the sealing industry in the Bering Sea; allowed compensation to British subjects who suffered financial loss from American interference with pelagic sealing; and drafted certain regulations for the protection of the seal herds. In particular, firearms were no longer permitted; all seals had to be hunted with spears.

In spite of these precautions, the seal herds in the Bering Sea were continually threatened because pelagic sealing was vigorously pursued not only by the United States and Great Britain, but also by Russia and Japan. Sealers from Japan, a country which was not bound by the Paris Award Regulations, ignored the restrictions against the use of firearms and did not respect the three-mile limit imposed on hunting off seal breeding rookeries. Thus, they began to dominate the industry. Their appearance in the North Pacific was a significant factor leading up to the Sealing Treaty of 1911. In that year, an international conference was called and delegates from the four nations involved drew up the Pelagic Sealing Convention (also known as the Treaty of Washington) which banned pelagic sealing in the Pacific Ocean north of the 30th parallel; regulated the hunting of seals on land; and awarded generous compensation to Great Britain.

Subsequently, in 1913, a federal royal commission was established to deal with the way in which the compensation granted to Great Britain was to be paid out to Canadian sealers, including aboriginal peoples, who claimed damages not only under article XI of the Pelagic Sealing Treaty of 1911, but also under the Paris Award Regulations of 1893. The majority of the claims submitted arose out of restrictions imposed on sealing by the latter agreement (*Pelagic Sealing Commission. Commissioner's Report. Sessional Paper No. 79, 1916, pp. 1-14*).

Hearings of the commission were held in Sydney, Halifax, Ottawa and Victoria, from 15 July 1913 to 8 February 1915. The commission received 1,605 claims.

- Authority:** Order in Council P.C. 1054, 10 June 1913, under the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Minister of Marine and Fisheries. The part of the *Act* under which the inquiry was established is not indicated in the Order in Council.
- Terms of Reference:** To inquire into the claims of certain pelagic sealers, having due regard to the conditions prevailing when the Pelagic Sealing Treaty of 7 July 1911 became effective, as well as previous agreements connected with the industry, and to recommend: (1) What amount should be paid as compensation; (2) to what individual, firms or corporations compensation should be made; and (3) how much should be paid in each instance?
- Commissioner:** Louis Arthur Audette.
- Secretary:** W.H. Huggins.
- Records:** Transcripts of hearings, minute books, information relating to claims, correspondence, shorthand notes, drafts of the Commissioner's report and a typescript of the report signed by the Commissioner. The material is also available on microfilm.
- Consult finding aid 33/107-102.
- Additional References:** National Archives of Canada, Records of the Department of Fisheries and Oceans, RG 23, D5, Vols. 410-416, individual claims made to the Pelagic Sealing Commission, 1913-1915.
- Report:** Undated. Tabled in the House of Commons on 9 February 1916. Sessional Paper No. 79, 1916. Printed in the Sessional Papers as: *Pelagic Sealing Commission. Commissioner's Report*, 62 p.

- Title:** Special Inquiry for Elder Indians' Testimony, 1977, .050 m (Vol. 1)
- Background:** In April 1975, the Government of Canada established a Joint Committee composed of representatives of the National Indian Brotherhood and federal Cabinet Ministers to discuss problems of mutual concern to the government and the status Indians of Canada. Under its direction, the government also established a Joint Sub-Committee, made up of three Cabinet Ministers and three representatives of the National Indian Brotherhood. Its purpose was to reach agreement on processes for settling grievances over Indian rights and claims.
- Further, in 1977, the Prime Minister of Canada appointed a Commissioner with authority to question elderly Indians about matters giving rise to grievances of status Indians. It was thought that elders' testimony about processes involved in their adhesion to a treaty, or their understanding of its terms and conditions might be of value in settling outstanding claims or grievances (Order in Council P.C. 703, 17 March 1977).
- Hearings were held in Pelican Narrows and Stanley Mission, Saskatchewan on 4 February and from 27 to 28 August 1977.
- Authority:** Order in Council P.C. 703, 17 March 1977, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.
- Terms of Reference:** To obtain information from elderly Indians with knowledge of the events giving rise to grievances about rights and claims of status Indians where a member of the Joint Sub-Committee on Indian Rights and Claims has referred such grievance to the Commissioner for the purpose of obtaining information and he had decided that such action is appropriate.
- Commissioner:** Lloyd I. Barber.
- Records:** Transcripts of hearings held at Pelican Narrows and Stanley Mission, Saskatchewan.
- There is no finding aid for this material.
- Additional References:** National Archives of Canada, Records of the Indian Claims Commission, RG 33/115, Vol. 9, transcript of evidence from elderly Indian people in the "Isolated Communities" North of Lesser Slave Lake, Alberta, 21 August 1975.
- Report:** No report was submitted. The inquiry was terminated pursuant to Order in Council P.C. 1321, 21 May 1981.

Title: Royal Commission on Reconveyance of Land to British Columbia, 1927, .1 m (Vol. 1)

Background: When British Columbia entered Confederation in 1871, it retained control over its public lands. By section 11 of the Terms of Union, the Government of Canada promised to begin construction of a railway, within two years from the date of union. The Province of British Columbia was supposed to be connected to the railway system of Eastern Canada by 1881, but had to wait 15 years before the railway was completed.

Because of the railway, the Government of Canada wanted land in British Columbia. It intended to make grants to any company which undertook construction of the railway or to sell land to help pay the costs of railway construction.

Pursuant to section 11 of the Imperial Order in Council, which admitted British Columbia into Confederation, that province agreed to convey to the Government of Canada, "in trust," certain public lands along the line of the proposed railway (afterwards known as the "Railway Belt") for which it was to receive \$100,000 per year in compensation. Moreover, in 1883, the Province of British Columbia transferred an additional 3.5 million acres of land in the Peace River District to the federal government in lieu of land unfit for settlement along the "Railway Belt."

Since a total of 12,832,000 acres of land transferred to the Government of Canada "in trust" was not used for purposes of the trust, in February 1926, the province passed an Order in Council calling on the federal government to reconvey the administration of the unalienated portion of the "Railway Belt," as well as the Peace River District, back to provincial control. The Government of Canada responded by appointing a federal royal commission to examine the position of the Province of British Columbia in regard to its claim for reconveyance of the land as well as for the administration and control of its natural resources. (See: Chester Martin, *"Dominion Lands" Policy*. Ed. Lewis H. Thomas, Toronto, McClelland and Stewart, 1973, pp. 39, 45-46, 204-206 and 209; *Report of the Royal Commission. Reconveyance of Land to British Columbia*, Ottawa, King's Printer, 1928.)

Hearings of the commission were held in Victoria from 21 to 23 June 1927.

Authority: Order in Council P.C. 422, 8 March 1927, under Part I of the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Minister of the Interior.

Terms of Reference: To inquire into and report on arguments of the Government of the Province of British Columbia in support of its claim for the reconveyance to the Province by the Government of Canada of the

land conveyed by the Province to the Dominion pursuant to Paragraph II of the Terms of Union, and such evidence as may be material to the consideration of such claim by the Government of Canada.

Commissioner: William Melville Martin.

Records: Statement of claim in the railway belt, memorandum concerning Dominion Government lands in British Columbia, transcripts of hearings and a typescript of the Commissioner's report.

There is no finding aid for this material.

Report: Dated 16 February 1928. Tabled in the House of Commons on 13 March 1928. Sessional Paper No. 76a, 1928. Printed as: *Report of the Royal Commission. Reconveyance of Land to British Columbia*. Pursuant to Order in Council of 8 March 1927. Ottawa, King's Printer, 1928, 57 p.

Title: Commission to Inquire into the Treadgold and Other Concessions in the Yukon Territory, 1903-1904, .2 m (Vol. 1; microfilm reels T-1320 to T-1321)

Background: Shortly after the discovery of gold in the Yukon Territory in 1896, it became evident that gold deposits in the benches, banks and other elevated grounds along the waterways of the Yukon Territory could not be mined profitably by placer mining methods. Because an ample supply of water was required to mine these areas, hydraulic mining was developed. The question arose over whether or not the federal government should become involved in it.

On 17 April 1902, the Government of Canada granted certain privileges to Malcolm H. Orr-Ewing, A.N.C. Treadgold and Walter Barwick (known as the "Treadgold Concession"). This grant gave the concessionaires the sole right "to divert and take water from the Klondike River at any point or points between its entry into the Yukon River and Flat Creek, for the purpose of generating power with which to pump water to work auriferous deposits in the district comprising the beds, banks, valleys, slopes and hills of the Klondike River, of Bonanza, Bear and Hunter Creeks, and of their tributaries." Almost at once placer miners expressed dissatisfaction about the Treadgold Concession and other concessions.

In March 1903, the Dawson Board of Trade petitioned the government for repeal of the Treadgold Concession. Similar petitions came from the Yukon Council. The Liberal Association of Dawson, which alleged that the concessions were obtained by "fraud and imposition," asked that they be investigated.

On 16 April 1903, a number of residents of the Yukon, who claimed that the benefits conferred upon the grantees of the Treadgold Concession "are of incalculable value and involve an enormous exploitation of the resources of the Territory for the benefit of a few favoured concessionaries," petitioned the government. They claimed that the concession would not supply the Yukon with a cheap, abundant and effective water supply. They demanded that this service be carried out either by the Government of Canada or under the direction of the Commissioner of the Yukon, especially for mining purposes.

On 12 May, J. Chase Casgrain, Member of Parliament for Montmorency, charged in the House of Commons that the grant to Treadgold and associates was illegal as well as injurious to the people of the Yukon. He thought that the government did not really understand the enormity of the concessions allowed. Prime Minister Wilfrid Laurier explained that the Treadgold Concession was granted because the Government of Canada was unwilling to spend large amounts of money on hydraulic works in the Yukon. He promised that the government would investigate the grant to Treadgold and associates before putting the agreement into operation.

According to a resolution of 19 May, the Dawson Board of Trade accused the Government of Canada of persisting "in a policy of closing said region to placer mining and granting the same large tracts in concessions most detrimental to the prosperity of the Klondike." The board wanted the proposed royal commission to have the power to inquire "into all so-called hydraulic concessions and all Government abuses" in the Yukon as well as into the Treadgold matter.

The terms of reference for the royal commission drawn up on 29 May 1903, were tabled in Parliament on 8 June. The Commissioners were to inquire into and report on the whole question of mining operations and leases in the Yukon Territory including the Treadgold Concession, and all other hydraulic concessions.

On 11 June, Casgrain called the terms of reference an "utter farce." He claimed that the investigation covered merely the matter of hydraulic systems or other methods of scientific mining. He wanted a fuller inquiry into political maladministration especially in connection with the Treadgold Concession.

When the opposition charged the government with wrongdoing over the granting of concessions, the Prime Minister challenged them to bring forward evidence to prove it. Nonetheless, on 30 July, the Minister of the Interior, Clifford Sifton, enlarged the terms of reference to include whether any concessions were obtained by fraud or misrepresentation and whether holders of concessions failed to comply with the regulations (*Canadian Annual Review*, 1961, pp. 233-240 and House of Commons, *Debates*, 12 May 1903, pp. 2795-2915; 29 May 1903, p. 3713; and 11 June 1903, pp. 4486-4547).

Hearings were held in Dawson, Grand Forks and Gold Bottom, Yukon Territory, from 17 August to 5 September 1903. The commission filed 267 exhibits.

Authority:

Order in Council P.C. 867, 27 May 1903, under *An Act Respecting Inquiries Concerning Public Matters* (R.S.C. 1886, c. 114) and on the recommendation of the Minister of Justice. The terms of reference were extended by Order in Council P.C. 1281, 30 July 1903.

Terms of Reference:

That inquiry be made for the purpose of obtaining information showing:

- (1) To what extent is the concession, commonly called the Treadgold Concession likely to be beneficial or injurious to the mining interests of the Yukon Territory?
- (2) Are the hydraulic concessions, granted under the regulations in the Yukon Territory likely to be beneficial or injurious to the mining interests in the Territory?

- (3) What hydraulic or other means is it desirable to adopt to successfully develop benches, banks and other elevated grounds which can only be worked under great disadvantage under natural conditions or are not able to be properly worked at all without an artificial supply of water?
- (4) Were any of the hydraulic concessions granted under the regulations claims in the Yukon Territory obtained by fraud or misrepresentation?
- (5) Have any of the holders of hydraulic concessions granted under the regulations failed to comply with the requirements of the leases of such concessions?

Commissioners: The original Commissioners were: Byron Moffatt Britton and John Ernest Hardman. Hardman withdrew from the commission in July 1903 and was replaced by Benjamin Taylor A. Bell (Order in Council P.C. 1281, 30 July 1903). But, Bell died on 1 March 1904 and the inquiry was completed by Britton.

Secretaries: Hugh Howard Rowatt and G.A. Lacombe.

Records: Transcripts of hearings and a typescript of the report of the commission signed by B.M. Britton.

Consult finding aid RG 33/110-103.

Report: Dated 28 July 1904. Tabled in the House of Commons on 1 August 1904. Sessional Paper No. 142, 1904. Printed in the House of Commons, *Sessional Papers, 1904*, as: *Return to an order of the House of Commons, dated March 17, 1904, for copies of the commission appointing Mr Justice Britton and other Commissioners to inquire into the Treadgold and other Concessions in the Yukon Territory; ...*, 49 p.

Title: Grain Handling and Transportation Commission, 1967-1978, 11 m (Vols. 1-55)

Background: On 4 May 1967, the Government of Canada issued the "Abandonment of Branch Lines Prohibition Order" which guaranteed, that 6,283 miles of branch railway lines, in the provinces of Manitoba, Saskatchewan and Alberta, would not be abandoned before 1 January 1975. At the time of the expiry of the prohibition order, the federal Minister of Transport, Jean Marchand, announced the government's designation of the "Prairie Rail Network" — a network of some 12,413 miles of railway lines which were protected from abandonment until the year 2000. The future of the 6,283 miles of railway tracks, protected since 1967, were to be determined by a federal inquiry. On 18 April 1975, the Minister of Transport, Jean Marchand and the Minister responsible for the Canadian Wheat Board, Otto Lang, jointly announced the appointment of a commission of inquiry, under the chairmanship of Emmett Hall to make recommendations on upgrading, maintaining or abandoning the lines. Hall was also asked to examine the impact the lines had on the transport requirements of the region and on the communities involved. The Government of Saskatchewan, for example, claimed that the abandonment of branch lines would adversely affect many communities. This opinion was shared not only by a number of farm organizations and municipalities in the prairie region, but especially by people living along the railway lines. There was little evidence to support this claim, however, and some even suggested that the community effect of abandonment was negligible or non-existent.

Before a decision could be taken, the responsible Ministers, Marchand and Lang, agreed that the commission should study the "quality and costs of the rail service now available as well as that required for the future ... and will examine alternatives to the present system." The Ministers also agreed that the inquiry, the so-called "Hall Commission," would examine the elevator service available, future plans of elevator companies, and road and community development plans in the area.

At the same time, the Ministers announced the appointment of the Commission on the Costs of Transporting Grain by Rail and the results of this inquiry were made available to the Hall Commission (*Canadian News Facts*, 16-30 April 1975, p. 1382; Order in Council P.C. 880, 4 May 1967; *The Community Impact of Railline Abandonment, 1975-1976: Summary Report*. Regina, University of Regina, Sample Survey and Data Bank Unit, 1976-1977, pp. 2-3; *Grain and Rail in Western Canada* [Ottawa, Supply and Services Canada, 1977], Vol. 1, pp. 54-61; and S.N. Kulshreshtha, *A Current Perspective on the Prairie Grain Handling and Transportation System*. Saskatoon, University of Saskatchewan, 1975, pp. 1, 19 and 20).

The commission held four types of hearings namely: global, regional, local and final. The purpose of these various types is explained in

Vol. 1 of the final report of the Commission (pp. 13-17).

Global hearings were held at Saskatoon, Regina, Winnipeg, Edmonton and Calgary, from 15 October to 26 November 1975, at which 37 submissions were received.

Regional hearings were held at 14 locations across the three prairie provinces, from 2 December 1975 to 30 June 1976, at which 111 submissions were received.

Local hearings were held at 77 centres across the three prairie provinces, from 5 January to 20 April 1976, at which 1,180 submissions were received.

Final hearings were held at Saskatoon Edmonton and Vancouver, from 30 August to 15 September 1976, at which 80 submissions were received.

Authority: Order in Council P.C. 872, 18 April 1975 and Order in Council P.C. 1067, 9 May 1975, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Transport and the Minister Responsible for the Canadian Wheat Board.

Terms of Reference: To inquire into and report upon the rail needs of communities, the economies of a modernized rail system and the probable conduct of producers and elevator companies in changing circumstances for the purpose of making recommendations concerning the future role of that portion of the rail network identified for further evaluation.

Commissioners: Emmett M. Hall, Chief Commissioner; Reginald E. Forbes, Robert H. Cowan, Lloyd Stewart and Reinhold Lehr.

Secretary: J.M. McDonough.

Records: Transcripts of hearings, submissions, research material, working papers, correspondence, agriculture and census statistics, material on branch lines, financial information on grain movements, rail subsidies and grain elevator costs. Also included is material created by the Prairie Rail Action Committee (Vols. 34-38) which studied the recommendations for the Hall Commission.

Consult finding aid 33/111-104, parts 1 and 2.

Additional References: National Archives of Canada, photographic records, acc. no. 1979-109: Canada. Royal Commission of Inquiry on Grain Handling and Transportation. Twenty-nine photographs of the following subjects: aerial views of the harbour, Thunder Bay, Ontario and deteriorating railway line near Colonsay, Saskatchewan, ca. 1976.

National Archives of Canada, Royal Commission on Grain Handling and Transportation. Cartographic and architectural records. RG 33. M111, acc. no. 77803/20, items 1-23, and acc. no. 78903/84, several items.

National Archives of Canada, Royal Commission on Grain Handling and Transportation. Audio-visual records. Audiotapes and audiocassettes of private and public hearings, approx. 200 h, acc. no. 1977-0141.

National Transportation Agency (formerly the Canadian Transport Commission), Grain Handling and Transportation Commission. Records consisting of submissions, submission summaries, branch line summaries, regional reports and related material (see finding aid 33/111-105).

Report:

Volume 1. Dated 18 April 1977. Tabled in the House of Commons on 16 May 1977. Sessional Paper No. 302-4/124, 1976-1977.

Volume 2. Dated 29 April 1977. Tabled in the House of Commons on 20 June 1977. Sessional Paper No. 302-4/124A, 1976-1977.

Volume 3. Dated 1977. Tabled in the House of Commons on 16 December 1977. Sessional Paper No. 303-4/124, 1977-1978.

Printed as: *Grain and Rail in Western Canada. Report of the Grain Handling and Transportation Commission* [Ottawa, Supply and Services Canada, 1977], 3 vols., 1071 p.

Related Publications:

The Commission on the Costs of Transporting Grain by Rail Report [Ottawa, Supply and Services Canada, 1976-1977], 2 vols., 397 p.

Title: Advisory Commission on Parliamentary Accommodation, 1974-1976, .3 m (Vols. 1-2)

Background: On 20 July 1973, the federal Minister of Public Works, Jean-Eudes Dubé, announced in the House of Commons that the Government of Canada had filed a notice of intent to expropriate all the land and buildings in the area bounded by Wellington, Elgin, Sparks and Bank Streets, in the City of Ottawa, with the exception of the United States Embassy. According to Dubé:

"The purpose of the expropriations is ... to protect the environment of Parliament from any development which could adversely affect it and simultaneously provide land for an appropriate expansion of Parliamentary facilities and other government requirements."

For a number of years, Members of Parliament and Senators, faced a severe shortage of space although there was no practical way in which the Parliament Buildings could be expanded. A short term solution was found by providing accommodation for several Members of Parliament in the Confederation Building. But, a long-term plan was needed. It was important to parliamentarians that accommodation be found off Parliament Hill but close to it. It was for this reason that the Government of Canada expropriated the land and real estate across from Parliament Hill. Furthermore, Dubé proposed the establishment of a commission of inquiry on parliamentary accommodation to advise on the amount and type of facilities that Parliament would require in the future. The Deputy Minister of Public Works, John A. MacDonald, described the scope of the study as follows:

"Questions to be considered are the amount of space an individual parliamentarian requires, ancillary supporting facilities, recreational facilities, amenities, etc. There are also the newer questions surrounding the committee operations and the kind of technical support they need. There are also the questions of the press and other media."

On 26 April 1974, Dubé announced the names of the Commissioners. They were comprised exclusively of Members of Parliament and former Members of Parliament. The membership, which included some senators, pleased MacDonald. He described it as "a body that Parliament itself can have confidence in and which by nature of its composition would have great weight and authority in saying that this is what Parliament ought to have" (House of Commons, *Debates*, 20 July 1973, pp. 5823-5825 and 26 April 1974, pp. 1783-1784; minutes of the preliminary organization meeting of the Advisory Commission on Parliamentary Accommodation, 16 May 1974 in RG 33/112, Vol. 2, file 11).

No hearings were held but the Commissioners reviewed the existing parliamentary accommodations in Ottawa and at the provincial legislatures in Toronto and Quebec City. In 1975, they travelled to

Washington, Canberra, Sydney, London, Paris, Bonn and Stockholm for the purpose of examining legislative facilities in those countries.

Authority: Order in Council P.C. 963, 25 April 1974, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the amount and type of accommodation and facilities that Parliament will require in the future as follows:

the present and future needs of Parliament as the paramount legislative body of the nation, including the manner in which Parliamentary needs are met or may be met in other jurisdictions, and to advise as to the amount and type of accommodation and facilities that Parliament will require to operate effectively in the future.

Commissioners: The original Commissioners were Douglas Charles Abbott, Chairman; George James McIlraith, Jean-Paul Deschatelets, Michael Grattan O'Leary, Marcel Lambert, Richard Albert Bell, Gaston Clermont, James Alexander Jerome, Hugh Poulin, Eymard-Georges Corbin, Claude Wagner, Paul Wyatt Dick, Lorne Edmund Nystrom, Barry Mather, Gérard Laprise and John Stewart.

In November 1974, Thomas-Henri Lefebvre was appointed Commissioner in place of James Jerome (Order in Council P.C. 2546, 21 November 1974) and in May 1975, John Gilbert was appointed Commissioner in place of Lorne Nystrom (Order in Council P.C. 1004, 1 May 1975). Further, Grattan O'Leary died on 7 April 1976. The Speaker of the House of Commons and the Speaker of the Senate were appointed *ex-officio* members of the commission.

Secretary: James A. Langford.

Records: Minutes of meetings of the Commissioners, submissions, correspondence, memos, records of visits to foreign countries and related material.

Consult finding aid 33/112-106.

Report: Dated November 1976. Tabled in the House of Commons on 17 December 1976, Sessional Papers No. 302-4/123, 1976-1977. Printed as: *Report of the Advisory Commission on Parliamentary Accommodation*. The Honourable D.C. Abbott, P.C., Q.C., Chairman. November 1976 [Ottawa, Supply and Services Canada, 1976], viii, 133 p.

Related Publications: A bibliography is included in the *Report of the Advisory Commission on Parliamentary Accommodation*.

Title: Royal Commission On Corporate Concentration, 1970-1978, 16 m (Vols. 1-80; 352 microfiche; also includes electronic records)

Background: The appointment of the Royal Commission on Corporate Concentration, in April 1975, resulted mainly from an attempt by Power Corporation of Canada Limited, a large Montreal investment and holding company, to gain control of Argus Corporation Limited of Toronto, another huge investment and industrial holding company.

On 25 March 1975, Power Corporation announced that it intended to make a bid for control of all the common and Class C (non-voting) shares of Argus. Although the move by Power failed, it caused considerable discussion especially among businessmen and politicians in Canada. A successful Power takeover of Argus would have resulted in one company in control of significant interests in shipping, pulp and paper, financial institutions, newspapers and broadcasting, packaging, food retailing, equipment manufacturing and mining.

In their report, the Commissioners, who conducted the public inquiry into corporate concentration, speculated on the financial nature of a merged Power-Argus corporation:

"After the acquisition was completed, and before any disposition of assets, the combined firm would have had assets (at balance sheet values) of \$783 million. This would have placed it about 37th (in terms of assets) in our 1975 list of large non-financial firms. On an earning basis it would have ranked about 24th. In these calculations we are not including the assets administered by the financial companies in the Power group."

At the time, it was not clear to the Government of Canada whether existing merger laws would adequately protect the public interest if a Power-Argus merger did, in fact, take place. Prime Minister Trudeau concluded, therefore, that the government needed more information to assess the implications of a merger because it did not have "any economic tools to stop such a takeover, and more important we don't even know if such a takeover is or is not in the public interest."

It is important to note that unlike American anti-trust laws, Canadian anti-combines legislation is concerned only with restraining of competition and not with the concentration of economic power.

Although the terms of reference for the inquiry on corporate concentration did not mention the word "conglomerates," or the attempt by Power to gain control of Argus, it would appear that the Commissioners were asked to furnish the Government of Canada with guidelines for formulating public policy on large scale corporate mergers in Canada (*Report of the Royal Commission on Corporate Concentration* [Ottawa, Supply and Services Canada, 1978], pp. 167-180; and George Radwanki, "The Royal Commission on Corporate

Concentration: A Political Perspective," *Perceptives on the Royal Commission on Corporate Concentration*, ed. Paul K. Gorecki and W.T. Stanbury, Scarborough, Butterworth and Co. (Canada) Ltd., for the Institute for Research on Public Policy, 1979, pp. 67-75.

Hearings of the commission were held in all provincial capitals of Canada, and in Sherbrooke, Chicoutimi, Montreal, Trois-Rivières, Ottawa, Sudbury, London, Windsor, Thunder Bay, Calgary, Vancouver, Prince George and Yellowknife, from 3 November 1975 to 13 September 1976. The commission received over 200 submissions.

Authority: Order in Council P.C. 879, 22 April 1975 and Order in Council P.C. 999, 1 May 1975, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon:

- (a) the nature and role of major concentrations of corporate power in Canada;
- (b) the economic and social implications for the public interest of such concentrations; and
- (c) whether safeguards exist or may be required to protect the public interest in the presence of such concentrations.

Commissioners: Robert Broughton Bryce, Chairman; Pierre A. Nadeau and Robert W.V. Dickerson. Bryce was forced through illness to resign from the commission on 5 May 1977.

Secretary: Serge Bourque.

Records (Textual): Transcripts of hearings, submissions, briefing notes, exhibits, correspondence, press clippings, drafts of the report of the commission, files of R.B. Bryce, research files, working papers and related documents.

The submissions and the transcripts of hearings are also available on microfiche.

Consult finding aid 33/113-107, parts 1 and 2.

Records (EDP): Data file of Canadian Industrial Organization covering variables relating to the structure, conduct and performance of manufacturing industries in Canada and the United States, 1975-1976 (RG 33/113, acc. no. G0000512).

- Additional References:** National Archives of Canada, Royal Commission on Corporate Concentration. Audio-visual records. Audiotapes and audiocassettes of public hearings, radio program, in which the proceedings of the commission are commented upon by broadcasters, financial experts or members of the commission and related items, 1975-1976, approx. 80 h, acc. no. 1978-0096 and acc. no. 1978-0099.
- Report:** Dated 17 March 1978. Tabled in the House of Commons on 15 May 1978. Sessional Paper No. 303-4/110, 1977-1978. Printed as: *Report of the Royal Commission on Corporate Concentration*, March 1978 [Ottawa, Supply and Services Canada, 1978], xxv, 450 pp.
- Related Publications:** Thirty-four research studies prepared for the commission were published. For a list of them see *Government of Canada Publications*, May 1978, pp. 13-14. *Perspectives on the Royal Commission on Corporate Concentration*, ed. Paul K. Gorecki and W.T. Stanbury, Scarborough, Butterworth and Co. (Canada) Ltd., for the Institute for Research on Public Policy, 1979.

- Title:** Commission to Investigate and Report upon the Working of the Law Branch of the House of Commons, 1912, .1 m (Vol. 1)
- Background:** In 1912, the Government of Canada appointed a commission of inquiry into the Law Branch of the House of Commons. The inquiry focused on the qualifications of employees of the branch and recommended ways to make it operate more efficiently. The Commissioners' report reveals that serious problems existed in the branch. For example, there were allegations that the Law Clerk, Mr. A.H. O'Brien, made unauthorized changes to bills, resolutions and other documents which he processed. Furthermore, there was a lack of harmony among personnel. As the Commissioners put it:
- "It is abundantly proved to us that the Law Branch of the House of Commons is disorganized, that its officers have not been working harmoniously, that the work of the Branch has been in danger of being seriously affected, that the future outlook for the Department with the staff as at present constituted is bad, and that only by a reorganization of the Law Branch can it be hoped that the very important business requiring attention in that office will receive the attention which it demands" (see untitled report in the commission's records).
- Hearings of the commission were held in Ottawa from 11 April to 1 May 1912.
- Authority:** Order in Council P.C. 870, 10 April 1912, under the *Inquiries Act* (R.S.C. 1906, c. 104) and on the recommendation of the Acting Prime Minister. The part of the *Act* under which this commission was established is not indicated in the Order in Council.
- Terms of Reference:** To inquire into and report upon the working of the Law Branch of the House of Commons, the qualifications of the officers in that branch, and the best course to be taken to make the service in that branch efficient and satisfactory.
- Commissioners:** William Drummond Hogg and Adam Shortt.
- Records:** Transcripts of hearings and a copy of the report of the commission.
- There is no finding aid for this material.
- Report:** Dated 7 May 1912. Not tabled in the House of Commons. An untitled typescript is available in the commission's records, 9 p.

Title: Indian Claims Commission, 1966-1977, 2.4 m (Vols. 1-13)

Background: Throughout the 1960s the Government of Canada tried to establish a process for the adjudication of aboriginal land claims but it gave up on trying to create legislation specifically for that purpose.

In June 1969, the Minister of Indian Affairs and Northern Development, Jean Chrétien, released a formal *Statement of the Government of Canada on Indian Policy* (the White Paper) that addressed the subject of aboriginal claims to land.

The Indian Claims Commission of December 1969, resulted from the following statement included in the White Paper: "the Government will appoint a Commissioner to consult with the Indians and to study and recommend acceptable procedures for the adjudication of claims."

The commission was to examine grievances of aboriginal peoples in respect of treaty obligations and the administration of land set aside for their benefit. But, according to the Chairman of the commission, Dr. Lloyd Barber, it was clear that the Indians Claims Commission was unpopular from the start because of the White Paper itself:

"When I was appointed to the position in late 1969, Indian opposition to the White Paper was powerful and growing. The office of commissioner was rejected by Indian leaders because it was seen as a creature of the White Paper and because the Commission's terms of reference appeared to preclude any examination of the question of aboriginal rights."

The Indian Claims Commission, therefore, was limited to an exploratory and advisory role rather than one with explicit powers of adjudication. In March 1977, at the time when the Indian Claims Commission was superseded by the Canadian Indian Rights Commission, Dr. Barber summed up his work as follows:

"Many issues, large and small, from all parts of Canada, were examined. Representations were made to Government on the aboriginal and treaty rights issues, on a large number of band claims, on research funds for Indian organizations, on Indian access to Government files and on other concerns. Gradually, progress was made on understanding the issues involved and on considering means for resolving them."

The role of the Indian Claims Commission thus evolved into one characterized by a variety of functions: chairman of negotiations, facilitator, mediator, middleman, ombudsman, prodder, sounding board. Sometimes specific questions required immediate resolution, but more often it was a matter of the general framework within which on-going issues between the Indians of Canada and the government could be identified and resolved" (*Statement of the Government of Canada on Indian Policy*, 1969. [Minister of Indian Affairs and

Northern Development, Ottawa, Queen's Printer, 1969], p. 6 and *Commissioner on Indian Claims. A Report: Statements and Submissions* [Ottawa, Supply and Services Canada, 1977], pp 1-2)

No formal hearings were held. The Commissioner had informal meetings and discussions with representatives of aboriginal peoples and with government personnel.

Authority: Order in Council P.C. 2405, 19 December 1969, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Prime Minister.

Terms of Reference: To consult with authorized representatives of the Indians and,

- (a) to receive and study the grievances arising in respect of:
 - (i) the performance of the terms of treaties and agreements formally entered into by representatives of the Indians and the Crown; and
 - (ii) the administration of moneys and lands pursuant to schemes established by legislation for the benefit of the Indians;
- (b) to recommend measures to be taken by the Government of Canada to provide for the adjudication of the claims received that he considers can be demonstrated to require special action in relation to any group or groups of Indians; and
- (c) to advise as to categories of claims that, in this judgement, ought to be referred to the courts or to any special quasi-judicial or administrative bodies that he recommends as being desirable for adjudication of specific awards.

Commissioners: Dr. Lloyd I. Barber.

Secretary: Brian Pratt.

Records: Files on claims, research files, unpublished research studies, correspondence, speeches and related material.

Consult finding aid 33/115-109.

Additional References: National Archives of Canada, Indian Claims Commission. Audio-visual records. Audiocassettes, John Skeebooss tells the history of aboriginal peoples in Canada beginning with stories of Creation, the Flood, human migration, their mistreatment in Eurasia, and the move to the New World, n.d., approx. 2 h 30 mn, acc. no. 1978-0146.

National Archives of Canada, Indian Claims Commission. Cartographic and architectural records. RG 33, M115, acc. no. 78903/43. Maps of Rocky Mountain Forest Reserve and the Nanaimo River Indian Reserve, 4 items.

Report:

Dated March 1977. Not tabled in the House of Commons. Printed as: *Commissioner on Indian Claims. A Report: Statement and Submissions* [Ottawa, Supply and Services Canada, 1977], v, 53 p.

Related Publications:

Indian Claims Commission. Research Resource Centre. *Indian Claims in Canada: An Introductory Essay and Selected List of Library Holdings*. Ottawa, Information Canada, 1975.

Indian Rights Commission. *Indian Claims in Canada: Supplementary Bibliography*. Ottawa, National Library of Canada, 1979.

On 1 February 1979, responsibility for the operation of the Resource Centre of the Indian Claims Commission, and the Canadian Indian Rights Commission which superseded it, was assumed by the National Library of Canada. The subject emphasis of the collection, which is known as the Indian Rights Collection, is on Indian claims and case law.

Title: West Coast Oil Ports Inquiry, 1971-1978, 4.9 m (Vols. 1-24)

Background: Following the Arab embargo of October 1973, the Government of Canada began to phase out the export of Canadian crude oil to the United States. In order to replace this supply, the United States wanted to import crude oil from Alaska, Indonesia and the Persian Gulf to west coast terminals, and trans-ship it to the American mid-west. This led to several proposals all of which were of great concern to residents of British Columbia.

For example, in December 1976, Kitimat Pipelines Ltd. applied to the National Energy Board for permission to construct a deep sea oil port at Kitimat. Further, the company proposed a 753 mile pipeline for the transmission of crude oil from Kitimat to Edmonton. The oil would be trans-shipped from Edmonton through another pipeline to the mid-western United States. In June 1977, the Kitimat proposal was held in abeyance pending the outcome of an application by Trans Mountain. In January 1978, Kitimat Pipelines Ltd. made a further submission to the Government of Canada for an oil terminal at Kitimat but it was turned down because the government saw no need for one.

On 30 May 1977, Trans Mountain Pipeline Ltd. filed an application with the National Energy Board for approval of a plan for expansion of docking facilities at Atlantic Richfield's Cherry Point refinery in the State of Washington, and a link up of this facility to Trans Mountain's pipeline system in Canada. This would allow crude oil to be transported from Edmonton to the west coast, and from Cherry Point to Edmonton, on an "alternating flow" basis. From Edmonton, the oil could then be pumped by another pipeline to the mid-western United States. In October 1977, Trans Mountain's plan was dropped because the American Congress ruled that the expansion of the terminal at Cherry Point was environmentally unacceptable.

Another proposal, that of Northern Tier Pipeline, called for the construction of a pipeline to carry crude oil from a terminal in Port Angeles, Washington, across the Northern United States to the northern tier states. When the Government of Canada turned down the Kitimat submission early in 1978, the Commissioner for the West Coast Oil Ports Inquiry, Andrew Thompson, expected Northern Tier Pipeline to go ahead with its scheme. Before Northern Tier went ahead, however, Thompson wanted another public inquiry to look into all aspects of it in so far as Canada would be affected.

The proposals for the construction of oil terminals along the west coast caused a certain amount of apprehension to residents of British Columbia. Many were opposed to the expected increase in oil tanker traffic, and were fearful of a major oil spill occurring. In February 1977, a newspaper reporter for the Vancouver *Province* wrote about the danger of oil shipments to Kitimat as follows:

"the proposal has generated major opposition from environmental groups because the tankers bringing the oil from Alaska would have to navigate some of the most treacherous waters on the B.C. coast. An oil spill would devastate the area's fisheries and shoreline, say the environmentalists."

The West Coast Oil Ports Inquiry was set up in March 1977 specifically to investigate the Kitimat proposal. It was later expanded to study the proposal of Trans Mountain, and any other proposal but was terminated on 31 March 1978. On 23 February 1978, the Government of Canada determined that there is "no need for a west coast oil port now or in the foreseeable future" But, as far as the Commissioner was concerned, the inquiry was incomplete because the evidence gathered was untested by questioning or counter-evidence (Vancouver Province, 11 February 1977; *Interim Submission of Commission Counsel. West Coast Oil Ports Inquiry*. Commissioner Dr. Andrew R. Thompson. December 1977. [Vancouver, West Coast Oil Ports Inquiry, 1977], pp. 5, 12 and 29-31); and Final Report, Dated 30 March 1978, which consists of correspondence of Andrew R. Thompson, Commissioner, to the Hon. Romeo LeBlanc, Minister of Fisheries and the Environment, and the Hon. Otto Lang Minister of Transport, RG 33/116, Vol. 23).

Hearings of the commission were held in Vancouver from 18 to 20 July; from 26 September to 4 November; and from 13 to 15 December 1977. In addition, community hearings were held from 22 to 23 July in Namu and from 17 October to 26 November in Mount Currie, Lillooet, Steveston and Sooke. Evidence was heard from individuals and groups with knowledge about the economy, the environment, and ecological and social conditions.

Authority:

Order in Council P.C. 597, 10 March 1977, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Fisheries and Environment, and the Minister of Transport. Amended by the following Orders in Council: P.C. 1890, 30 June 1977; P.C. 2149, 28 July 1977; and P.C. 3687, 22 December 1977.

Terms of Reference:

- (a) To inquire into and report upon:
 - (i) the social and environmental impact regionally (including the impact on fisheries) that could result from the establishment of a marine tanker route and construction of a marine terminal (deep water oil port) at Kitimat, B.C.;
 - (ii) navigational safety and related matters associated with the establishment of a marine tanker route and construction of a marine terminal at Kitimat, B.C.; and

- (iii) the broader Canadian concerns and issues related to oil tanker movements on the West Coast as might be affected by the Kitimat Pipeline Ltd., Trans Mountain Pipeline Company Ltd., and other proposals; and
- (b) to report upon representations made concerning the terms and conditions which should be imposed, if authority is given to establish a marine terminal at Kitimat, on the size, construction and operation thereof and on the size, construction and operation of tankers in the approaches thereto.

Commissioner: Andrew R. Thompson.

Secretary: Lori M. Lewis.

Records: Transcripts of hearings, exhibits, research files, newspaper clippings, files of counsel, files of participants, files on the establishment and operation of the inquiry, files on various phases of its operation and related material.

Consult finding aid 33/116-110.

Additional References: National Archives of Canada, Records of the West Coast Oil Ports Inquiry. Cartographic and architectural records. RG 33, M116, acc. no. 78903/12, 23 charts, maps and drawings.

National Archives of Canada, Records of the West Coast Oil Ports Inquiry. Audio-visual records. Exhibit c-29, a videocassette presentation by R. Pitre, H. Cochrane and R. Johnston in Sooke, B.C., acc. no. 1978-0242.

Reports: Interim Report. Dated December 1977. Not tabled in the House of Commons. Printed as: *Interim Submission of Commission Counsel. West Coast Oil Ports Inquiry*. Commissioner, Dr. Andrew R. Thompson. December 1977 [Vancouver, West Coast Oil Ports Inquiry, 1977], iii, 165 p.

Statement of Proceedings. Dated 23 February 1978. Not tabled in the House of Commons. Printed as: *Statement of Proceedings. West Coast Oil Ports Inquiry*. Andrew R. Thompson, Commissioner. February 1978 [Vancouver, West Coast Oil Ports Inquiry, 1978], xi, 156 p.

Final Report. Dated 30 March 1978. Not tabled in the House of Commons. Not printed. Correspondence of Andrew R. Thompson, Commissioner, to the Honourable Romeo LeBlanc, Minister of Fisheries and the Environment, and the Honourable Otto Lang, Minister of Transport, explaining the government's decision "... that the West Coast Oil Ports Inquiry would not be reactivated and would terminate on March 31st, 1978" (RG 33/116, Vol. 23, file entitled "Statement of Proceedings and Final Report," 6 p.).

Title: Commission of Inquiry Into the Canadian Automotive Industry, 1973-1978, .6 m (Vols. 1-3)

Background: In the mid-1970s, the North American automotive industry began to make smaller, lighter-weight, safer, and more fuel-efficient motor vehicles. This was due, in part, to energy, environmental and safety concerns of the governments of Canada and the United States. But, it also reflected a need for the automotive industry to compete successfully with Asian and European automotive manufacturers which were offering compact cars for sale in North America. The so-called "Big Three" — Ford, Chrysler and General Motors — realized that they had to make substantial investments to modernize existing facilities and for new plant construction. In June 1978, Canada's Minister of Industry, Trade and Commerce, Jack Horner, revealed that the automotive industry in North America would spend "in the order of 60 billion, over the next five to 10 years." He anticipated that a sizeable amount of it would be spent in Canada. The situation, according to Senate Committee on Foreign Affairs, was as follows:

"By early 1978 the Canadian government appeared ready to embark on domestic measures aimed at stimulating the Canadian parts industry and by mid-year there were indications that vehicle manufactures were planning new investments in Canada but were bargaining for the most lucrative location inducements."

Horner held discussions with the three major automobile manufacturers about new automotive production, especially the location of new parts manufacturing facilities in Canada. But the results of these discussions were inconclusive. Subsequently, on 16 June 1978, Horner announced that Simon Reisman would examine all aspects of the industry with a view to "the development of an internationally competitive Canadian automotive industry."

In his capacity as Chairman of the inquiry into the automotive industry, Reisman had to deal with a number of contentious issues including the huge trade deficit in auto parts with the United States. Reisman enumerated the main issues as follows:

"there have been mounting complaints from many quarters that Canada was not obtaining its "fair share" of the automotive output generally, parts production, investment, employment or research and development in relation to the market it provided for North American vehicles" (see News Release, Department of Industry, Trade and Commerce, Ottawa, 16 June 1978, in RG 33/112, Vol. 1, file 10P/295-5; House of Commons, *Debates*, 16 June 1978, p. 6478; *The Canadian Automotive Industry: Performance and Proposals for Progress. Inquiry into the Automotive Industry* [Ottawa, Supply and Services Canada, 1978], pp. 44-47 and pp. 237-243; and Canada. Senate. *Canada-United States Relations, Canada's Trade Relations with the United States*. The Standing Senate Committee on Foreign Affairs [Queen's Printer, Ottawa, 1978], Vol. II, pp. 104).

No public hearings were held. But, consultations and meetings took place with firms, organizations and governments with an interest in the automotive industry. In addition, briefs were received from, and meetings held with, organizations and individuals who expressed an interest in participating.

Authority: Order in Council P.C. 1996, 20 June 1978, under Part I of the *Inquiries Act* (R.S.C. 1970, c. I-13) and on the recommendation of the Minister of Industry, Trade and Commerce.

Terms of Reference: To inquire into and report on the means to ensure the development in Canada of a balanced and internationally competitive automotive industry taking into account:

- (a) the situation in, and structure of, the Canadian automotive industry at the present time, including the motor vehicle manufacturers, the independent parts producers and foreign vehicle manufacturers participating in the Canadian market;
- (b) the factors affecting developments in the industry and its future prospects including the extent of foreign ownership, the managerial aspects, the research and development activity in Canada, the financial resources requirements and availability, and factors affecting the investment and employment pattern in the automotive industry in Canada;
- (c) the regional aspects of the Canadian automotive industry development;
- (d) relationships between the industry in Canada and the industry in the United States, including both those arrangements falling under the Canada/U.S. Automotive Products Agreement and those not covered by the agreement;
- (e) relationships between the industry in Canada and offshore producers; and
- (f) the principles of international business conduct issued by the government in July 1975.

Commissioners: S. Simon Reisman.

Secretary: Gena Freeman.

Records: Chronological files, files on corporations, companies and firms, files on associations, clubs and societies, statistics, reports, research studies done in Canada and the United States relating to the North American automotive industry and related material.

Consult finding aid 33/117-112.

Report:

Dated October 1978. Tabled in the House of Commons on 23 November 1978. Sessional Paper No. 304-4/105, 1978-1979. Printed as: *The Canadian Automotive Industry: Performance and Proposals for Progress. Inquiry into the Automotive Industry*. Simon Reisman, Commissioner. October 1978 [Ottawa, Supply and Services Canada, 1978], xiii, 250 p.

Title: Task Force on Canadian Unity, 1976-1979, 6.3 m (Vols. 1-33; also acc. no 1992-93/270, 1.5 m, boxes 1-5)

Background: As early as 30 April 1977, the *Ottawa Citizen* reported that the Government of Canada planned to appoint a "special advisory committee" on national unity. According to *Hansard* of 5 July 1977, there is little doubt that the election of the Parti québécois to power in Quebec, a political party dedicated to the separation of Quebec from Confederation, played an important role in the government's decision. In the report, the Commissioners were appointed to what became known as the Task Force on Canadian Unity and made the following observation:

"The point of departure for the Task Force cannot be other than the election of the Parti québécois as the government of Quebec on 15 November 1976. That election victory was the culmination of a long historical process; it was also the beginning of a new era in the life of our country. There have been other occasions in Canadian history when provincial governments were elected in opposition to Confederation, but never before had the goal of provincial independence been sought with the firmness of purpose displayed by the leaders of the Parti québécois. For the first time since it was created in 1867, the Canadian political union faced the genuine possibility of the secession of one of its largest provinces."

Prime Minister Trudeau formally established the task force during a debate in the House of Commons on national unity in which he emphasized the government's language policy. Basically, the task force was to publicize and encourage non-government organizations seeking to promote Canadian unity and to advise the government on unity issues. In particular, it was to provide a forum for discussion of issues relating to national unity and the constitution of Canada. As the Prime Minister told Parliament:

"the government of Canada is committed to considering together with the people of Canada the possibility of bringing in basic indepth changes to its direction, to Federal institutions and to the constitution."

The task force was co-chaired by Jean-Luc Pepin, former federal Liberal Cabinet Minister and John Roberts, former Conservative Premier of Ontario (see *The Task Force on Canadian Unity. A Future Together: Observations and Recommendations*. January 1979 [Ottawa, Supply and Services Canada, 1979], pp. 11-17 and House of Commons, *Debates*, 5 July 1977, pp. 7311-7352).

Hearings of the task force were held in St. John's, Moncton, Halifax, Charlottetown, Quebec City, Montreal, Ottawa, Toronto, Winnipeg, Regina, Calgary, Edmonton and Vancouver, from 22 September 1977 to 7 April 1978. In addition, a number of regional and private meetings were held. The task force received about 900 submissions.

Authority:	Order in Council P.C. 1910, 5 July 1977, under Part I of the <i>Inquiries Act</i> (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.
Terms of Reference:	<p>To inquire into questions relating to Canadian Unity. During the course of their inquiry the Commissioners shall:</p> <ul style="list-style-type: none"> (a) hold public hearings and sponsor public meetings to ascertain the view of interested organizations, groups and individuals; (b) work to support, encourage and publicize the efforts of the general public and particularly those of non-governmental organizations, with regard to Canadian unity; (c) contribute to the knowledge and general awareness of the public the initiative and views of the Commissioners concerning Canadian unity; (d) assist in the development of processes for strengthening Canadian unity and be a source of advice to the government on unity issues; and (e) inquire into any other matter concerning national unity that may be referred to the commission.
Commissioners:	The original Commissioners were Jean-Luc Pepin and John Parmenter Roberts, Co-Chairmen; Richard Cashin, Muriel Kovitz, Ross Marks and John Evans. Solange Chaput-Rolland and Gérald Beaudoin were appointed Commissioners in August 1977. John Evans resigned early in 1978 and was replaced by Ronald L. Watts (see Orders in Council P.C. 2361 and P.C. 2362, 24 August 1977 and P.C. 573, 28 February 1978).
Secretary:	Ratna Ray.
Records:	<p>Summaries of hearings, submissions, briefing material, research studies and working papers, speeches, minutes of meetings, drafts of reports of the task force and newspaper clippings.</p> <p>Consult finding aid 33/118-113.</p>
Additional References:	<p>National Archives of Canada, Task Force on Canadian Unity. Audio-visual records. Audiotapes and audiocassettes of public and private hearings held throughout Canada, 1977-1979, approx. 541 h, acc. no. 1979-0090; and videocassettes of the Options Conference on the future of Canadian federalism and related material, 1977, approx. 6 h, acc. no. 1979-0205.</p> <p>National Archives of Canada, photographic records, acc. no. 1979-229: Canada. Task Force on Canadian Unity. Total of 304 photographs of activities and members of the Task Force on Canadian Unity, 1977-1978.</p>

Reports:

Dated January 1979. Tabled in the House of Commons on 25 January 1979. Sessional Paper No. 304-4/144, 1978-1979. Printed as: *The Task Force on Canadian Unity. A Future Together: Observations and Recommendations*. January 1979 [Ottawa, Supply and Services Canada, 1979], 152 p.

Dated February 1979. Not Tabled in the House of Commons. Printed as: *The Task Force on Canadian Unity. Coming to Terms: The Words of the Debate*. February 1979 [Ottawa, Supply and Services Canada, 1979], viii, 111 p.

Dated March 1979. Tabled in the House of Commons on 21 March 1979. Sessional Paper No. 304-4/144A, 1978-1979. Printed as: *The Task Force on Canadian Unity. A Time to Speak: The Views of the Public*. March 1979 [Ottawa, Supply and Services Canada, 1979], ix, 309 p.

Title: Commission of Inquiry Into Newfoundland Transportation, 1972-1978, 5.7 m (Vols. 1-28)

Background: According to W.H. Butt, System Division No. 135, Newfoundland Area, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, the Commission of Inquiry into Newfoundland Transportation was brought about due to pressure from employees of Canadian National who feared the discontinuance of freight service in the province. The union made representations to the federal and provincial governments about this matter and pressured Canadian National to make a statement of policy about it.

Subsequently, the President of the Canadian National Railway Company, Dr. Robert Bandeen, visited the province, on 2 December 1976, to clarify the company's position. Dr. Bandeen recommended that an inquiry be held, not just on the operation of Canadian National in Newfoundland, but on all forms of transportation in the province. Bandeen drew attention to Canadian National's difficult financial position and went on to say: "the only way the railway should be expected to continue to run in Newfoundland is on the basis of combined subsidies and revenues as is done with CN Marine Services." Dr. Bandeen noted that close inter-relationships existed among all forms of transportation in Newfoundland and affirmed that no one part of it should be studied in isolation.

At the time of Bandeen's speech, the transportation services provided to the people of Newfoundland and Labrador were totally inadequate. According to the *Report of the Commission of Inquiry into Newfoundland Transportation*, the situation was as follows:

"Nearly half the total mileage of Provincial highways is unpaved and, in Newfoundland such roads are, for a substantial part of each year, in extremely poor condition. The main trans-insular highway, the Trans-Canada Highway, was built to near minimum standards and with the growth of heavy traffic in the last decade has deteriorated rapidly so that it now requires major upgrading over its entire length. The southwest coast between Bay d'Espoir and Rose Blanche is still totally dependent on transportation by sea. The major towns of western Labrador have no access by road to any other part of Canada. The coast of Labrador is dependent upon inadequate coastal boat service which, because of ice conditions, can rarely provide more than four months of uninterrupted service in any year. For the other eight months the people must depend upon an air service which, in the absence of landing strips is, at best, intermittent and unpredictable.

Rail freight service, though vastly improved in recent years, still suffers from inefficiencies built into the capital structure and, despite subsidies, is still extremely costly. Passenger services on the Island are inadequate, while accommodations on coastal boats and on Gulf ferries are insufficient. Docking and harbour facilities are poor. In

short, it is clear that in many areas standards do not conform to minimally acceptable Canadian levels."

The federal Minister of Transport, Otto Lang, immediately took up Bandeen's suggestion for an inquiry on the entire Newfoundland transportation system and consulted with the Provincial Premier, Frank Moores, and the Minister of Transportation, James Morgan, about it. Then, on 28 March 1977, Lang announced the appointment of a royal commission on transportation in Newfoundland and Labrador with Arthur M. Sullivan as Chief Commissioner. Sullivan saw his rather difficult task as follows:

"We have been given the responsibility of examining and evaluating the total domestic transportation system in Newfoundland and Labrador. This examination is to include all modes of transportation: air, rail, road and water services to, from and within Newfoundland. It is also to include all aspects of transportation — constitutional, economic, practical and social. We are to consider how the nature and quality of the transportation services, which are now provided to Newfoundland, meet the present and future needs of the province."

While the inquiry was under way, Lang requested that Canadian National not layoff any permanent employees (Minister of Transport Canada, Press Release, No. 56/77, 28 March 1977; Commission of Inquiry into Newfoundland Transportation, Transcripts of Hearings, St. John's, 19 September 1977 (RG 33/119, Vol. 2), p. 9 and pp. 101-107; *Report of the Commission of Inquiry into Newfoundland Transportation*, Vol. 1, July 1978 [Ottawa, Supply and Services Canada, 1978], pp. 11-28; and *CN in Newfoundland: President's Statement*, 2 December 1976, obtained from Public Affairs and Advertising, Canadian National, Montreal).

Hearings of the commission were held in St. John's, Milltown, Buchans, Burnt Berry Motel (on the Trans-Canada Highway), Gander, St. Anthony, Port aux Choix, Carbonear, Marystown, Goose Bay/Happy Valley, Labrador City/Wabush, Clarenville, Deer Lake, Corner Brook, Stephenville and Port aux Basques, from 19 September 1977 to 14 November 1977. There were 126 submissions filed with the commission.

Authority:

Order in Council P.C. 816, 24 March 1977, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Transport.

Terms of Reference:

To inquire into and report upon all aspects of transportation and transportation services for Newfoundland, including services for goods and people, and to identify the appropriate levels of transportation, including choice of modes, necessary to meet the future transportation needs of Newfoundland and its people in an efficient and cost effective manner. The Commissioners shall make specific reference to:

- (1) the economic, social, demographic and geographic factors which create current and future demands for domestic transportation. This will include an assessment of the economic/industry development plans for each area in the province and will relate these needs to transportation services.
- (2) the terms of Confederation and the constitutional obligations of the Government of Canada to Newfoundland related to transportation. It will consider their current impact and application and the extent to which they may influence cost effective solutions.
- (3) the conditions which are unique to Newfoundland and the manner and extent to which these factors influence the provision of domestic transportation.
- (4) the efficiency and effectiveness of domestic transportation services. This will include a review and evaluation of subsidies and transportation related government programs.
- (5) the appropriate role for each mode in the provision of domestic transportation services consistent with the terms of reference identified above. The commission will relate its findings to their implication in the short- (0-5 years), mid-(5-10 years) and long-term (beyond 10 years).
- (6) the important relationship between the provision of domestic transportation services and the achievement of regional and national employment and other social and economic objectives.
- (7) the appropriate roles, responsibilities and obligations of government, carriers and users of transportation services and will assess them in terms of legislative, economic, social and commercial considerations.
- (8) the national implications that could follow from any recommended solution to transportation problems.
- (9) in the conduct of the inquiry, the commission will make use of all previous work, studies and investigations undertaken by or on behalf of governments which it considers relevant. It will also take into account the current activities of governments, corporations, agencies and committees and will make appropriate use of their work.

Commissioners: Arthur Sullivan, Chairman; Esau Thoms and Burford Ploughman.

Secretary: Ada O'Reilly.

Records: Transcripts of hearings, submissions, research studies and background information on all forms of transportation in Newfoundland and Labrador.

Consult finding aid 33/119-114.

Additional References: National Archives of Canada, Royal Commission into Newfoundland Transportation. Cartographic and architectural records. RG 33, M119, acc. no. 79003/7, maps, charts, graphics and plans.

National Archives of Canada, Royal Commission into Newfoundland Transportation. Audio-visual records. Audiotapes of hearings of the commission, including a number of oral submissions, 1977, approx. 100 h, acc. no. 1979-0091; and videocassettes on Newfoundland's social life and culture, including a speech by Transport Minister, Otto Lang, 1977-1978, approx. 7 h 20 mn, acc. no. 1979-0368.

National Archives of Canada, photographic records, acc. no. 1979-130: Canada. Commission of Inquiry into Newfoundland Transportation. Total of about 950 photographs of roads, ports, towns and landscapes throughout Newfoundland, ca. 1978.

Report: Volume 1. Dated July 1978. Not tabled in the House of Commons. Printed as: *Report of the Commission of Inquiry into Newfoundland Transportation*. July 1978, St. John's, Newfoundland [Ottawa, Supply and Services Canada, 1978], vii, 275 p.

Volume 2. Dated 30 November 1978. Not tabled in the House of Commons. Printed as: *Report of the Commission of Inquiry into Newfoundland Transportation*. February 1979, St. John's, Newfoundland [Ottawa, Supply and Services Canada, 1979], 71 p.

Executive Summary. Dated July 1978. Not tabled in the House of Commons. Printed as: *Report of the Commission of Inquiry into Newfoundland Transportation. Executive Summary* [St. John's, The Commission, 1978], xxv, 48 p.

Related Publications: A bibliography is included in the *Report of The Commission of Inquiry into Newfoundland Transportation*. Also included is a list of studies undertaken by consultants and internal studies undertaken by the commission.

Title: Royal Commission To Inquire Into and Report Upon the Organization, Authorization and Dispatch of the Canadian Expeditionary Force to the Crown Colony of Hong Kong, 1940-1942, .6 m (Vols. 1-3)

Background: In September 1941, the Government of Canada agreed to the British request to send two infantry battalions (the Winnipeg Grenadiers and the Royal Rifles of Canada) to reinforce the garrison at the British Crown Colony of Hong Kong. The Canadians arrived in Hong Kong on 16 November, and on 8 December the Japanese attack began. Badly outnumbered, the defenders fought courageously but on Christmas Day, 1941, Hong Kong surrendered. Out of a total of 1,975 Canadians sent to the British Colony, 557 were either killed in action or died in Japanese prisoner of war camps over the next four years.

Shortly after the fall of Hong Kong, George Drew, leader of the Conservative Party of Ontario, charged the Government of Canada of sending poorly trained and ill-equipped troops to the Far East when war with Japan was imminent. As one authority on this subject, Carl Vincent, put it:

"This was the kindling spark, and as the prisoners of war started to drop like flies in Japanese Camps, the politicians back in Canada commenced to jockey for position, the Opposition seeking to make political capital out of the government's presumed negligence and the government attempting to deny or belittle the charges."

On 21 January 1942, J.L. Ralston, the Minister of National Defence, defended the government's position in the House of Commons. He did admit, however, that a few men sent to Hong Kong had received less than 16 weeks training, and that the battalions had arrived without any support vehicles.

This revelation, and the political debate which followed, forced the government to act. At first, both opposition parties wanted a parliamentary committee to investigate the circumstances of Canada's involvement at Hong Kong. Later, Prime Minister King secured their agreement for a royal commission instead. The federal conservatives, led by R.B. Hanson, as well as other proconscriptionists, wanted the terms of reference for the inquiry broadened to include an investigation of the manpower situation in the armed forces, but King refused.

The Hong Kong inquiry, appointed on 12 February 1942, under the Chief Justice of Canada, Lyman Duff, did not censure the government to any degree. Duff's findings provoked a political debate which lasted long after the end of the Second World War (see Carl Vincent, *No Reason Why: The Canadian Hong Kong Tragedy — An Examination*, Stittsville, Ontario, Canada's Wings, 1981 and David Ricardo Williams, *Duff: A Life in the Law*, Vancouver, University of British Columbia Press, 1984).

Hearings of the commission were held in Ottawa from 2 March to 31 March 1942. The commission filed 295 exhibits.

Authority: Order in Council P.C. 1160, 12 February 1942, under Part I of the *Inquiries Act* (R.S.C. 1927, c. 99) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the organization, authorization and dispatch of the Canadian Expeditionary Force and, without restricting the generality of the foregoing, the selection and composition of the force and the training of the personnel thereof; the provision and maintenance of supplies, equipment and ammunition and of the transportation therefor; and as to whether there occurred any dereliction of duty or error in judgement on the part of any of the personnel of any of the departments of the government whose duty it was to arrange for the authorization, organization and dispatch of the said Expeditionary Force resulting in detriment or injury to the expedition or to the troops comprising the Expeditionary Force and if so what such dereliction or error was and who was responsible therefor.

Commissioner: Lyman Poore Duff.

Secretary: W. Kenneth Campbell.

Records: Exhibits, transcripts of hearings, records of counsel for the government and the commission, draft report of the commission and related documents.

Consult finding aid 33/120-115.

Additional References: National Archives of Canada, Records of Parliament, RG 14, D2, Vols. 530-532, transcripts of hearings and exhibits of the Hong Kong inquiry.

Report: Dated 4 June 1942. Tabled in the House of Commons on 5 June 1942. Sessional Paper No. 302, 1942-1943. Printed as: *Dominion of Canada. Report on the Canadian Expeditionary Force to the Crown Colony of Hong Kong*, by Right Hon. Sir Lyman P. Duff, G.C.M.G., Royal Commissioner pursuant to Order in Council P.C. 1160. Ottawa, King's Printer, 1942, 61 p.

Title: Commission of Inquiry Into Bilingual Air Traffic Services In Quebec, 1962-1979, 5.9 m (Vols. 1-29)

Background: The Government of Canada's plan to allow the use of French in air communications in the Province of Quebec caused a bitter dispute between English-speaking and French-speaking air pilots and air traffic controllers which led to a national strike in 1976. Beginning in the 1970s, a gradual introduction of bilingualism for air traffic controllers in Quebec took place and by 1973 all air traffic controllers employed in that province had to be bilingual. In June 1974, the Department of Transport authorized the use of French, as well as English, for air traffic control services under Visual Flight Rules (VFR) at five small airports in Quebec including: Quebec City, St-Jean, Baie Comeau, Sept-Îles and St-Honoré. Moreover, on 13 December 1975, the Minister of Transport, Otto Lang, confirmed the federal government's commitment to allow bilingual air traffic control services in Quebec under Instrument Flight Rules (IFR) for commercial airlines. On 12 May 1976, bilingualism became an issue in contract negotiations between the air traffic controllers and the Government of Canada. At that time, a conciliation board recommended that a public inquiry be held "to examine all questions of language and safety in air control." As a result, on 13 May, the government appointed John T. Keenan as Commissioner to inquire into and report upon:

"The implications, in relation to aviation safety, implementation costs and operational efficiency of the procedures (and the methods of their development) being developed by the Department of Transport in conjunction with aviation associations and the aviation industry for the introduction of bilingual IFR [Instrument Flight Rules] air traffic control services in the Province of Quebec."

Most English-speaking controllers, represented by the Canadian Air Traffic Control Association (CATCA), and pilots, represented by the Canadian Air Line Pilots Association (CALPA), opposed the introduction of French for air traffic control services under IFR on the grounds of safety. Moreover, the controllers protested against the terms of reference for the Keenan inquiry because they wanted safety under all flight conditions examined. CATCA conducted a successful strike vote of its members and they were set to go out on 31 May. By contrast, the French-speaking controllers and pilots, represented by the Association des gens de l'air du Québec (AGAQ) maintained that the threat to safety was exaggerated and that the use of French for air traffic control services under IFR was the real issue.

Although the Government of Canada agreed to make the terms of reference for the inquiry more acceptable to the controllers and pilots, the appointment of Keenan as Commissioner was unacceptable to the AGAQ because he had acted as counsel for CALPA. Keenan resigned, therefore, on 7 June. But, once again the members of CATCA voted in favour of a national strike. Despite a court injunction ordering the controllers to remain at work, a wildcat strike occurred on

20 June and the next day air traffic across Canada was virtually halted. Under threat of prosecution, the air traffic controllers returned to work. The disruption in air traffic continued, however, because CALPA instructed its pilots not to fly in spite of the court injunction. Furthermore, several international airlines, including about 10 American ones, refused to fly to Canada.

On 23 June, the Government of Canada announced a new public inquiry on the subject of bilingual air traffic control services under IFR in the Province of Quebec. The terms of reference for it were similar to the Keenan inquiry but there was no provision for a study of implementation costs. Once the inquiry was announced, Prime Minister Trudeau called for an end to the strike. He promised that "no new bilingual air traffic control procedures will be adopted unless the commission of inquiry concludes that present safety standards will be fully maintained." Most members of CATCA and CALPA found the terms of reference for the inquiry unacceptable and, a few days later, the order in council under which it was set up was revoked. The unions were distrustful of the government because it appeared to them that it was determined to extend bilingual air communications even though it might be unsafe.

Negotiations between the Department of Transport, and representatives of CATCA and CALPA continued, and on 28 June they concluded an agreement which ended the strike. Once again the government established a public inquiry to evaluate procedures for bilingual air communications in Quebec as developed by simulation tests conducted by the Department of Transport. It required the Commissioners to justify "beyond a reasonable doubt" that the measures planned could be implemented safely. Also, a clause relating to implementation costs was added to the terms of reference.

Furthermore, the Minister of Transport and representatives of CATCA and CALPA signed a memorandum of understanding calling for the commission's report to be unanimous and for a parliamentary vote, free from party lines, on its recommendations.

By 29 June, air traffic in Canada returned to normal. CATCA and CALPA promised to cooperate fully with the inquiry but the Association des gens de l'air du Québec, which strongly opposed the agreement, did not participate in the inquiry for several months. The Quebec members of the Liberal caucus in Ottawa were generally against the agreement of 28 June as well. Prime Minister Trudeau, fearing the strike might continue, persuaded them to accept it. But, Jean Marchand, the Minister of the Environment and former Minister of Transport, resigned from the Cabinet over the issue. There is no doubt that the crises united francophones because a number of English-Canadians were critical of the bilingualism program and expressed strong anti-French sentiments throughout this struggle over language rights. As the *Canadian Annual Review* put it:

"no one who lived through it could escape the conclusion that public opinion in Canada as expressed between the lines editorially, in a flood of letters to editors and MPs, in hot line shows, and on the streets was fundamentally critical of bilingualism if not outrightly anti-French and supported the pilots less because they too understood the safety argument but because the pilots were taking a stand on a fundamental issue" (*Canadian Annual Review*, 1976, pp. 54-83 and newspaper clippings, RG 33/121, Vols. 24-29).

Hearings of the commission were held in Montreal from 10 January to 25 March 1977 and from 5 February to 5 April 1979. The commission received 38 submissions and 363 exhibits.

During the course of the inquiry the Commissioners, members of their staff and/or technical consultants for the commission visited air traffic control centres and ground installations at airports in the following countries: United States, Japan, Brazil, Mexico, Italy, Switzerland, Germany, France, Belgium and Holland.

Authority:

Order in Council P.C. 1576, 23 June 1976 (revoked by Order in Council P.C. 1588, 28 June 1976), under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Transport. Amended by Order in Council P.C. 2251, 14 September 1976 and Order in Council P.C. 1265, 12 April 1979.

Terms of Reference:

To inquire into and report upon the safety of the introduction of bilingual Instrument Flight Rules (IRF) in Air Traffic Services in the Province of Quebec, and the implications in relation to aviation safety, implementation costs and operational efficiency, and upon the procedures (and methods of their development) being developed by the Department of Transport in conjunction with the aviation associations and the aviation industry, and also upon such other matters as might influence the further introduction of bilingual Air Traffic Services in Quebec, with specific reference to:

- (a) the parameters of a procedural study to be conducted by the Department of Transport based on the use of an air traffic control electronic simulator;
- (b) the documentation required pertaining to the various procedures developed in order to facilitate evaluation of those procedures;
- (c) the detailed conduct of the Department of Transport's studies and participation therein of representatives of the aviation industry and associations by monitoring, as appropriate, through specially appointed professional advisers if considered necessary, and by means of interim recommendation to the Department of Transport, the aviation industry and associations;

- (d) the IFR procedures finally developed, and the Visual Flight Rules (VFR) flight operations in Dorval and Mirabel Terminal Radar Service Areas, and St. Hubert Control Zone, in terms of the adequacy of the method used in developing and testing the procedures and the implications in relation to aviation safety, implementation costs and operational efficiency; and
- (e) relevant matters that may in the course of the inquiry arise or develop and that, in the opinion of the Commissioners, should be included in the report.

Commissioners: William Robert Sinclair, Julien Honoré Chouinard and Darrel Verner Heald.

Secretaries: J. Marcel Richard and O.F. Plouffe.

Records: Transcripts of hearings, submissions, exhibits, newspaper clippings and statements relative to the reports of the Bilingual IFR Communications Simulation Studies.

Consult finding aid 33/121-116.

Additional References: National Archives of Canada, Commission of Inquiry into Bilingual Air Traffic Services in Quebec. Audio-visual records. Audiocassettes, documentary on the training of air traffic controllers at the Simulation Centre, Transport Canada, 1976, approx. 30 mn, acc. no. 1979-0152.

National Archives of Canada, Commission of Inquiry into Bilingual Air Traffic Services in Quebec. Cartographic and architectural records. RG 33, M121, acc. no. 79003/27, 13 items consisting of radio navigation charts, aeronautical charts and a model of the Montreal Terminal Radar Service Area.

Reports: Interim Report. Dated 23 June 1977. Tabled in the House of Commons on 8 July 1977. Sessional Paper No. 302-4/125, 1976-1977. Printed as: *Interim Report. The Commission of Inquiry into Bilingual Air Traffic Services in Quebec*. 23 June 1977 [Ottawa, Supply and Services Canada, 1977], vii, 130 p.

Final Report: Dated 10 August 1979. Not tabled in the House of Commons. Printed as: *Final Report. The Commission of Inquiry into Bilingual Air Traffic Services in Quebec*. August 10, 1979 [Ottawa, Supply and Services Canada, 1979], 300 p.

Title: Royal Commission On Financial Management and Accountability, 1975-1979, 5.4 m (Vols. 1-28)

Background: On 22 November 1976, the President of the Treasury Board, Robert Andras, announced the appointment of the Royal Commission on Financial Management and Accountability. Its purpose was to examine financial management and control by the Government of Canada over the administration of public funds. It was not surprising that this announcement came on the same day as the release of the annual report of the Auditor General for the year 1975-1976 which criticized government spending and lack of accountability. The Auditor General, J.J. Macdonell, wrote:

"I am deeply concerned that, on the evidence of the two year examination carried out by the audit office, Parliament and indeed the government has lost or is close to losing control of the public purse."

The Auditor General also reported that:

"financial management and control in the Government of Canada is grossly inadequate. Furthermore, it is likely to remain so until the government takes strong, appropriate and effective measures to rectify this critically serious situation."

One financial analyst, Douglas Hartle, blamed the government's lack of financial control over public money and expenditures, in part, on the implementation of the recommendations contained in the report of the Royal Commission on Government Organization of 1962-1963. As a result of it, decentralization of financial administration took place and the position of Comptroller of the Treasury was abolished. In Hartle's words:

"it is one of those ubiquitous ironies of life that the very loss of financial control in the narrow sense trumpeted by Macdonell arose largely from the implementation of Glassco Commission recommendations that central agency financial and personnel controls be largely eliminated. Remember the Glassco phrase: "Let the managers manage." Well, deputy heads were gradually given a great deal of discretion. Unfortunately, Glassco forgot, as did those responsible for implementation, that delegation of authority without the concomitant burden of responsibility (read accountability) is a recipe for disaster. And accountability requires some means of monitoring how discretion has been exercised."

In his annual report of 1975-1976, the Auditor General made several recommendations to increase government control over financial expenditures. These involved the reorganization of the Treasury Board Secretariat by the appointment of a comptroller-general. In other words, an officer at the deputy minister level to serve as chief financial officer for the Government of Canada.

The Government of Canada decided to appoint a royal commission on financial management and accountability because it was reluctant to act immediately on Macdonell's recommendation for the establishment of the office of comptroller-general. The appointment of a comptroller-general, as Andras put it, "calls into question not only fundamental aspects of government organization but also some of the basic tenets of our parliamentary system of government." The government held that final responsibility for financial control, "rests with Parliament and Parliament alone and this can only be exercised if the principle of collective and individual responsibility of Ministers to Parliament is upheld," Andras said (the *Toronto Globe and Mail*, 23 November 1976; the *Ottawa Journal*, 24 November 1976; Remarks by the Chairman, Allen T. Lambert, to a Press Conference on the Progress Report of the Royal Commission on Financial Management and Accountability, 16 December 1977; Douglas G. Hartle, "The Report of the Royal Commission on Financial Management and Accountability (The Lambert Report): A Review," *Canadian Public Policy*, Vol. 3, Summer 1979, pp. 366-382; Donald J. Savoie, *The Politics of Public Spending in Canada*, Toronto, University of Toronto Press, 1990, pp. 109-114 and pp. 127-132; and News Release, Treasury Board, 22 November 1976).

No public hearings were held. But, the commission held meetings with over 400 people, including key participants in financial management at the federal level, such as deputy ministers, assistant deputy ministers, heads of Crown corporations, the Auditor General and his staff, directors general, directors, senior managers, Cabinet ministers, Members of Parliament and Senators. It also met with officials of provincial governments, with senior managers in government at London, Paris and Washington, as well as with several private sector groups in Canada. The commission received 36 submissions.

Authority:

Order in Council P.C. 2884, 22 November 1976, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister. Amended by the following Orders in Council: P.C. 3322, 24 December 1976 and P.C. 45, 13 January 1979.

Terms of Reference:

To inquire into and report upon the management system required in the inter-related areas of:

- (i) financial management and control,
- (ii) accountability of deputy ministers and heads of Crown agencies relative to the administration of their operations, and
- (iii) the evaluation of the administrative performance of deputy ministers and heads of Crown agencies,

and the interdepartmental structure, organization and process applicable thereto, including in particular:

- (a) the development, promulgation and application of financial management policy, regulations and guidelines by central agencies;
- (b) procedures to ensure that:
 - necessary changes in policy, regulations and guidelines are identified, and
 - policy regulations and guidelines are adhered to;
- (c) systems and procedures to ensure effective accountability to government and, where appropriate to Parliament, of the administration of government departments and agencies; and
- (d) the organization necessary in central agencies, government departments and Crown agencies to achieve the foregoing.

Commissioners:

Allen Thomas Lambert, Chairman; John Edwin Hodgetts, Oliver Gerald Stoner and H. Marcel Caron. Caron resigned and was replaced by Robert Després as Commissioner (see Order in Council P.C. 3322, 24 December 1976).

Secretary:

John Rayner.

Records:

Research studies, working papers, drafts and a copy of the report of the commission, submissions, questionnaires and liaison files with deputy ministers, heads of Crown corporations and senior civil servants.

Consult finding aid 33/122-117.

Additional References:

National Archives of Canada, Royal Commission on Financial Management and Accountability. Audio-visual records. Audiotapes and audiocassettes, interviews relating to the work of the commission, 1977-1979, approx. 1 h, acc. no. 1979-0178.

Reports:

Progress Report. Dated 29 November 1977. Tabled in the House of Commons on 16 December 1978. Sessional Paper No. 303-4/121, 1977-1978. Printed as: *Royal Commission on Financial Management and Accountability. Progress Report*. November 1977 [Ottawa, Supply and Services Canada, 1977], x, 49 p.

Final Report. Dated March 1979. Not tabled in the House of Commons. Printed as: *Royal Commission on Financial Management and Accountability. Final Report*. March 1979 [Hull, Supply and Services Canada, 1979], x, 586 p.

Related Publications:

"Symposium on the Report of the Royal Commission on Financial Management and Accountability." *Canadian Public Administration*, Winter 1979.

Privy Council Office. *Submissions to the Royal Commission on Financial Management and Accountability*, Supply and Services Canada, 1979 (Background papers prepared for the commission).

Title: Commission to Inquire Into the Labour Dispute at the Windsor Plant of the Chrysler Corporation of Canada, 1941, .1 m (Vol. 1)

Background: In November 1940, the Chrysler Corporation of Canada, Ltd. of Windsor, Ontario, introduced fluid drive in some of its new motor vehicles. This required new equipment and assembly and these operations were attached to the Crankshaft Department, No. 95. The men who worked on the fluid drive assembly were already employed in Department No. 95, with the exception of William Patchall, who was transferred from another part of the plant.

A petition protesting Patchall's transfer was drawn up, and by noon, of 7 November 1940, it contained the names of 54 of 61 employees in Department No. 95. The petition read in part:

"We employees of Department 95 protest the fact that a new man was brought in to our Department to work on a 93¢ job when there are several men with seniority in the department getting 88¢ per hour.... We therefore urge you to remedy this unsatisfactory condition at once, as we do not intend to tolerate discriminations of this kind."

The employees of Department No. 95 agreed that unless there was an answer from management to their petition, they would go out on strike. Since no reply was received, on 8 November 1940, 38 men belonging to Local 195 of the United Automobile Workers of America (UAWA) walked out. The strikers were soon joined by 23 other employees. Eventually, the strikers were dismissed and replaced by other workers, but the UAWA claimed that the men had been unjustly discharged and requested their reinstatement. When the Chrysler plant was picketed, a number of picketers were arrested and fined on charges of loitering on or near a premises declared to be an essential service under the Defence of Canada Regulations. Those sympathetic to labour saw this action as an attempt to curtail union activity.

On 20 November, the UAWA requested that the federal Minister of Labour establish a Board of Conciliation and Investigation under the *Industrial Disputes Investigation Act* (R.S.C., 1927, c. 112) to look into the dispute. Without a formal application detailing the issues, the Minister would not act because it was unclear whether or not a board should be established. An application was filed later and, in March 1941, the *Labour Gazette* reported:

"the applicants request reinstatement of employees alleged to be unjustly dismissed and the establishment, through collective bargaining of grievance machinery to deal with future disputes."

At last, the Minister of Labour was ready to deal with the dispute and on 24 March 1941, he appointed a royal commission under William H. Furlong to inquire into and report on it (*Labour Gazette*, December 1940, p. 1243 and March 1941, p. 209; and report of William H. Furlong on the Labour Dispute at Chrysler Corporation).

Hearings were held in Windsor from 28 April to 21 May and on 31 May. Further hearings were held on 12 and 24 June and on 21 August 1941.

Authority: Order in Council P.C. 2053, 24 March 1941, under Part I of the *Inquiries Act* (R.S.C. 1927, c. 99) and on the recommendation of the Minister of Labour.

Terms of Reference: To inquire into and report upon the industrial dispute at the Windsor Plant of the Chrysler Corporation of Canada, Limited, directly involving approximately 60 machine operators, assemblers, and precision workers engaged in engine manufacturing and assembly, members of Local 195, United Automobile Workers of America, and any matters or circumstances connected therewith.

Commissioners: William H. Furlong.

Records: Transcripts of hearings, copy of the commission's report and comments on the commission's report by the United Automobile Workers of America. These records were copied from the J.L. Cohen Papers (National Archives of Canada, J.L. Cohen Papers, MG 30, A94, Vol. 25, file 2858). At the time of the inquiry, Cohen was counsel for the United Automobile Workers of America.

There is no finding aid for this material.

Report: Dated 10 September 1941. Not tabled in the House of Commons. A photocopy entitled "In the Matter of an Industrial Dispute in November, 1940, at the Windsor Plant of Chrysler Corporation of Canada Limited, involving approximately 60 former employees, members of local 195, United Automobile Workers of America," 8 pp., is available in the commission's records.

Title: Commission on the Costs of Transporting Grain by Rail, 1964-1978, 4.9 m (Vols. 1-24)

Background: In response to requests from provincial governments and grain producers in Manitoba, Saskatchewan and Alberta, on 18 April 1975, the Government of Canada appointed Carl Snively to head a Commission on the Costs of Transporting Grain by Rail. The commission was asked to evaluate methods for determining railway costs and revenues, as well as their applicability to the costs of transporting grain at statutory freight rates, popularly known as the "Crow Rates."

Above all, the commission had to evaluate the adequacy of Costing Order R-6313, and the methods by which it was applied. The Canadian Transport Commission, which regulates transportation in Canada that is under federal jurisdiction, had used this costing order, since 1969, to calculate the cost of transporting statutory grain by rail and for the payment of subsidies to railway companies for losses incurred in moving it.

"Statutory Grain," as defined in sections 271 and 414 of the *Railway Act*, (R.S.C., 1970, c. R-2) included all grain, and most grain products, originating west of Thunder Bay and destined for export through terminals at Thunder Bay, Churchill or on the West Coast.

In addition to examining the costing order, Commissioner Snively did an analysis to determine the cost of transporting a bushel of grain by rail at statutory freight rates based on figures from the calendar year 1974.

A series of "cost profiles" for different categories of prairie rail lines, which were used to determine the cost of transporting grain in a particular area, were also calculated.

Even though the railways were losing money by transporting grain at statutory freight rates, Snively did not consider it within his mandate to determine "an appropriate rate level for statutory grain traffic; a method of compensating the railways for any shortfall in revenue that may be found to exist under contemporary conditions; or the ability of statutory grain shippers to pay either the present rate level or any other rate level."

After all, the costs and revenues associated with grain transportation resulted from rates set by the Government of Canada. It was up to Parliament to decide whether or not rate changes were necessary.

During the course of the inquiry, Snively worked closely with the Royal Commission on Grain Handling and Transportation, which was mainly concerned with the abandonment of certain branch railway lines in Western Canada (*The Commission on the Costs of Transporting Grain by Rail. Report* [Ottawa, Supply and Services

Canada]. Vol. 1, 1976-1977 and newspaper clippings, RG 33/124, Vol. 7).

Hearings of the commission were held in Winnipeg, Regina and Orillia from 19 April to 30 July 1976. There were 36 submissions and 213 exhibits filed with the commission.

A Technical Committee, which was made up of staff of the commission and representatives from wheat pools, railways and government, held meetings in 1975-1976 for the purpose of examining railway costing techniques and related matters.

- Authority:** Order in Council P.C. 873, 18 April 1975, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister Responsible for the Canadian Wheat Board and the Minister of Transport.
- Terms of Reference:** To inquire into and report upon the costs and revenues of grain traffic and the relationships of such costs and revenues.
- Commissioner:** Carl M. Snavelly, Jr.
- Records:** Transcripts of hearings, exhibits, submissions, newspaper clippings, registry files, drafts of the report of the commission, meetings of the Technical Committee and material on costs of rail movement of grain and grain products.
- Consult finding aid 33/124-118.
- Additional References:** National Archives of Canada, Royal Commission on Costs of Transporting Grain by Rail. Cartographic and architectural records. RG 33, M124, acc. no. 80103/28, 22 maps, plans and drawings of the rail network.
- Report:** Volume 1. Dated October 1976. Tabled in the House of Commons on 6 December 1976. Sessional Paper No. 302-4/122, 1976-1977.
- Volume 2. Dated November 1977. Tabled in the House of Commons on 10 February 1978. Sessional Paper No. 303-4/122, 1977-1978.
- Printed as: *The Commission on the Costs of Transporting Grain By Rail. Report* [Ottawa, Supply and Services Canada, 1976-1977], 2 vols., 397 p.
- Related Publications:** *Grain and Rail in Western Canada. Report of the Grain Handling and Transportation Commission* [Ottawa, Supply and Services Canada, 1977], 3 vols.

Title: Mississauga Railway Accident Inquiry, 1962-1980, 7 m (Vois. 1-35)

Background: About midnight, on 10 November 1979, train number 54 of the Canadian Pacific Railway, which was bound for Toronto from London, derailed at Mavis Road crossing in the City of Mississauga. A number of tank cars, carrying flammable and toxic substances, ended up in a twisted pile of wreckage. The first car to derail was loaded with toluene. It went off the tracks as a result of a "hot box," that is, overheating occurred due to excessive friction between the wheel bearings and the journal causing one of the axles to malfunction. Twenty-three other cars, of which 19 were carrying dangerous goods, went off the tracks as well. Fire spread through most of the derailed cars and three tank cars, which were loaded with propane, exploded and caused considerable property damage.

The seventh car in the derailment was considered the most dangerous because it contained chlorine. The risk that chlorine gas might escape and spread over a heavily populated area was enough to cause the evacuation of about 250,000 people. Those involved were mainly from Mississauga, although some residents of Oakville and Etobicoke were forced to leave the vicinity of the derailment as well. The evacuation was thought to be the largest in North American history. Some people were not allowed to return to their homes for up to five days following the accident.

On 21 November 1979, the federal Minister of Transport, Don Mazankowski, announced in the House of Commons that a public inquiry would be established to investigate the causes of the Mississauga railway accident and to find ways to prevent the recurrence of such an incident (*Report of the Mississauga Railway Accident Inquiry*. December 1980 [Hull, Supply and Services, 1981], pp. 1-6).

Hearings of the commission were held in Mississauga from 15 January to 3 October 1980. There were 687 exhibits filed with the commission.

Authority: Order in Council P.C. 3286, 4 December 1979 as amended by Order in Council P.C. 2409, 5 September 1980, under Part I of the *Inquiries Act* (R.S.C. 1970, c. I-13) and on the recommendation of the Minister of Transport.

Terms of Reference: To inquire into and report upon the existing state of railway safety as it relates to the handling and carriage of dangerous goods with particular reference to:

- (1) the contributing factors and causes of the derailment at Mississauga, Ontario, on 10 November 1979 and the subsequent accident;

- (2) the steps that can be reasonably taken to reduce the risk of recurrence of such an accident anywhere in Canada;
- (3) the level and adequacy of existing federal law, regulations, rules and standards and of the practices and procedures governing railway safety with respect to this accident and the prevention of future similar accidents involving the handling and carriage of dangerous goods by rail;
- (4) the adequacy of the existing practices, procedures and maintenance standards followed by the railways and the frequency of maintenance to ensure that the standards related to the handling and carriage of dangerous goods by rail are complied with;
- (5) the sufficiency of enforcement of existing railway safety legislation and standards related to the handling and carriage of dangerous goods by rail, including the training, qualification and number of federal inspectors;
- (6) how best investigative and corrective operations in response to an accident involving dangerous goods can be coordinated between various agencies, governmental and private, bearing in mind the existing jurisdictional and constitutional framework; and
- (7) the distribution of functions concerning the safety, maintenance and inspection of railway roadbeds, tracks, equipment and signals.

Commissioner: Samuel G.M. Grange.

Secretary: Thomas B. Millar.

Records: Transcripts of hearings, exhibits, daily log book, regulations and acts pertaining to railway transport and related records.

Consult finding aid 33/125-119, parts 1-4.

Additional References: National Archives of Canada, Records of the Mississauga Railway Accident Inquiry. Cartographic and architectural records. RG 33, M-125, acc. no. 80103/54, 92 maps, plans, aerial photographs and drawings; and RG 33, M125, acc. no. 89035, 41 maps, charts, aerial photographs and drawings. These records were filed as exhibits and some of them exist in microform only.

Report: Dated December 1980. Tabled in the House of Commons on 19 January 1981. Sessional Paper No. 321-4/22, 1980-1983. Printed as: *Report of the Mississauga Railway Accident Inquiry*. The Honourable Mr. Justice Samuel G.M. Grange, Supreme Court of Ontario, Commissioner. December 1980 [Hull, Supply and Services Canada, 1981], 212, 31 pp.

Title: Royal Commission on Newspapers, 1972-1982, 7.6 m (Vols. 1-40)

Background: On 27 August 1980, the *Ottawa Journal*, owned by Thomson Newspapers Ltd., and the *Winnipeg Tribune*, owned by Southam Inc., ceased publication. The closure of these two long-established newspapers eliminated direct competition in Ottawa and Winnipeg between Thomson and Southam. The closures not only marked a decline in the number of dailies published in Canada, but the ownership and control of the newspaper industry was becoming concentrated in fewer hands.

Almost immediately, Joe Clark, the Leader of the Opposition, and Senator Keith Davey, the former Chairman of the Special Senate Committee on the Mass Media of 1970, called for some type of federal inquiry into the closing of the newspapers and into the concentration of ownership of newspapers in Canada. As a result, on 3 September 1980, the Government of Canada appointed a royal commission to determine whether the elimination of competition and the concentration of newspaper ownership seriously affected the role of the press in informing the public.

A separate investigation, launched under the *Combines Investigation Act* (R.S.C., 1970, c. C-23), led to charges being laid under the conspiracy and merger provisions of the *Act*. The defendants included Thomson, Southam and a number of other companies involved in newspaper ownership (*Globe and Mail*, Toronto, 29 August and 1 September 1980; *Royal Commission on Newspapers* [Hull, Supply and Services Canada, 1981], p. xi; and I.A. Litvik and C.J. Maule, "Competition Policy and Newspapers in Canada," the *Antitrust Bulletin*, Vol. XXVIII, No. 2, Summer 1983, pp. 461-481).

Authority: Orders in Council P.C. 2343, 3 September 1980 and P.C. 2483 and P.C. 2484, 15 September 1980, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into and report upon the daily newspaper industry in Canada, specifically into the concentration of the ownership and control of the industry and into the recent closing of newspapers, with particular reference to: (a) the degree to which the present situation in the newspaper industry has affected or might affect fulfilment of the newspaper industry's responsibilities to the public; (b) the consequences of the elimination of daily newspapers for individual citizens and community life in those cities where a newspaper has been eliminated in recent years; (c) the consequence of the present situation in the newspaper industry for the political, economic, social and intellectual vitality and cohesion of the nation as a whole; and (d) such measures as might be warranted to remedy any matter that the commission considers should be remedied as a result of the concentration of the ownership and control of the industry and the recent closing of newspapers.

Commissioners:	Thomas Worrall Kent, Chairman; Laurent A. Picard and Borden Spears.
Secretary:	Nicholas Gwyn.
Records:	<p>Transcripts of hearings, submissions, exhibits, research studies, financial statements, newspaper clippings and related documents.</p> <p>Consult finding aid 33/126-123, parts 1-3.</p>
Additional References:	<p>National Archives of Canada, Royal Commission on Newspapers. Audio-visual records. Audiotapes and audiocassettes of hearings and meetings of the commission, 1980-1981, approx. 275 h, acc. no. 1982-0258; and audiotapes of internal hearings held by the commission, 21 May 1981, approx. 7 h, acc. no. 1983-0018.</p> <p>National Archives of Canada, photographic records, acc. no. 1987-77X: Canada. Royal Commission on Newspapers. Thirty-seven cartoons, dealing with the Royal Commission on Newspapers, by editorial cartoonists.</p>
Report:	Dated 1 July 1981. Not tabled in the House of Commons. Printed as: <i>Royal Commission on Newspapers</i> [Hull, Supply and Services Canada, 1981], xiii, 296 p.
Related Publications:	Eight research studies prepared for the commission were published. For a list of these studies see <i>Government of Canada Publications</i> , Vol. 29, October-December 1981, p. 300 and Vol. 30, January-March 1982, p. 11.

Title: Commission of Inquiry Into Certain Allegations Concerning Commercial Practices of the Canadian Dairy Commission, 1966-1980, 3.2 m (Vols. 1-16)

Background: The commission of inquiry into certain allegations concerning commercial practices of the Canadian Dairy Commission (CDC) resulted from charges made by Schafer Bros. Ltd. and Michel Choquette, both of Montreal, involving the relationship Schafer Bros. Ltd. had with the CDC for the export of skim milk powder from Canada to Mexico, and to other countries, during the years 1966-1977.

As early as 1968, David Schafer, and his son, George, complained to government officials that Schafer Bros. Ltd. was treated unfairly in its dealings with the CDC. From 1974 to 1977, Michel Choquette prepared detailed documentation on the grievances of Schafer Bros. Ltd. which he submitted to Prime Minister Trudeau, the Honourable Warren Allmand, Member of Parliament for Notre-Dame-de-Grâce (the riding in Montreal where Schafer Bros. Ltd. was located) and Gilles Choquette, Chairman of the Canadian Dairy Commission (no relation to Michel Choquette).

The grievances against the CDC, as represented by Choquette, were as follows:

"First there are complaints or allegations that, beginning in January 1968, the Canadian Dairy Commission was not even-handed or fair in the administration of its policies concerning the sale of skim milk powder and with respect to the public funds it controlled and could make available in the form of subsidies to private traders; that it took over the market or business developed by Schafer Bros. Ltd. with the Mexican government purchasing agency known as CONASUPO (Compania Nacional de Subsistencias Populares), that in connection with such taking over it favoured certain private traders who completed with Schafer Bros. Ltd.; and that in the process certain Canadian Dairy Commission officials received kickbacks from such private traders. Second, there are complaints and allegations that the Canadian Dairy Commission, a Crown agency, misconceived its role in respect of export sales of skim milk powder."

Michel Choquette was concerned about the apparent inability of Schafer Bros. Ltd. to secure redress of these grievances from the Department of Agriculture. It seemed to him that the various ministers had relied too much on officials at CDC in making an evaluation of the complaints of Schafer Bros. Ltd. Choquette explained his involvement with the case of Schafer Bros. Ltd. as follows:

"Since there was no federal ombudsman in Canada, I decided to take the matter to the Prime Minister, the Rt. Hon. Pierre Elliott Trudeau, and to provide him as well as the Hon. Warren Almand and the then Minister of Agriculture, the Hon. Eugene Whelan, with whatever

material I could prepare or assemble to assist these gentlemen in arriving at a proper assessment of Schafer Bros.' grievances. To this end I wrote what I choose to call *Résumé A*, primarily a historical account of Schafer Bros. negotiations with and sales to the governments of Cuba and Mexico and of the company's dealings in this respect with the Canadian Dairy Commission and its predecessor, the Agricultural Stabilization Board."

In 1977, Prime Minister Trudeau requested that the Department of Justice undertake an investigation of the allegations of Schafer Bros. Ltd. against the CDC. This investigation, which was completed in 1978, dismissed the claims of Schafer Bros. Ltd. The dismissal of the claims was completely unsatisfactory to Michel Choquette and Warren Allmand, who pressed for a more comprehensive and independent investigation. As a result, on 25 May 1979, Prime Minister Trudeau appointed a royal commission to inquire into and report on the dealings of the Canadian Dairy Commission with Schafer Bros. Ltd. during the years 1966-1977 (*Report of the Commission of Inquiry into Certain Allegations Concerning Commercial Practices of the Canadian Dairy Commission*. Commissioner, the Honourable Mr. Justice Hugh F. Gibson, *et. al.* [Supply and Services Canada, Hull, 1981], pp. 1-10 and pp. 199-201).

Hearings of the commission were held in Ottawa, Hull and Montreal, from 23 November 1979 to 2 July 1980. The Commissioner also held informal hearings in Mexico City from 16 to 17 October 1980. There were 203 exhibits filed with the commission.

Authority:

Order in Council P.C. 1586, 25 May 1979, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

Terms of Reference:

To inquire into and report upon certain allegations made by Schafer Bros. Ltd. and Mr. Michel Choquette in respect of dealings of the Canadian Dairy Commission, its officers and employees with Schafer Bros. Ltd., Montreal, during the years 1966 to 1977 in respect of the export from Canada of skim milk powder, and:

- (a) to define the issues raised by the said allegations;
- (b) to determine all relevant facts concerning the actions of the Canadian Dairy Commission, its officers and employees in their dealings with Schafer Bros. Ltd. during the years 1966 to 1977 relative to the export from Canada of skim milk powder;
- (c) to ascertain whether the Canadian Dairy Commission, its officers and employees have acted lawfully and fairly in their dealings with Schafer Bros. Ltd.; and to include in the report:

- (i) a recommendation as to whether any compensation should be paid to Schafer Bros. Ltd. and, if so, the basis on which such compensation should be determined, and
- (ii) such other recommendations as the Commissioner may deem appropriate.

Commissioner: Hugh F. Gibson.

Secretary: Marcel A.J. Dompierre.

Records: Transcripts of hearings, exhibits, newspaper clippings, statutes and regulations relating to dairy products, Supreme Court decisions relating to marketing, material relating to conflict of interest, and files on the establishment and operation of the commission.

Consult finding aid 33/127-125, parts 1-2.

Additional References: National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 2409, Sessional Paper No. 321-1/90B, Auditor General of Canada. Report to the Minister of Agriculture on the Comprehensive Audit of the Canadian Dairy Commission, May 1982.

Report: Dated 29 December 1980. Tabled in the House of Commons on 12 May 1981. Sessional Paper No. 321-4/110, 1980-1983. Printed as: *The Commission of Inquiry into Certain Allegations Concerning Commercial Practices of the Canadian Dairy Commission*. Commissioner, the Honourable Mr. Justice Hugh F. Gibson, *et. al.* [Hull, Supply and Services Canada, 1981], 201 p.

Title: Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, 1967-1981, 9.6 m (Vols. 1-48; also, acc. no. 1992-93/251, 72 m, 240 boxes)

Background: In March 1976, the trial of Robert Samson, a former constable of the RCMP and a member of the RCMP Security Service, took place in Montreal. Samson was in court on charges arising from the bombing of the Montreal residence of a Steinberg's supermarket executive. During his trial, Samson testified that he had been involved in other questionable activities for the RCMP besides the bombing incident. When asked to explain he referred to "Operation Bricole." This was the code name for the unlawful entry and removal of documents from the Agence de Presse Libre du Québec (APLQ), a left-wing news agency located at 3459 St. Hubert Street, Montreal, which had occurred on 7 October 1972.

Samson's testimony resulted in considerable public interest and concern was evident at senior levels of government. In fact, Francis Fox, the Solicitor General of Canada, told the House of Commons, on 17 June 1977, that the federal government considered the appointment of a royal commission at that time. But, the idea was dropped because Maurice Nadon, Commissioner of the RCMP and Michael Dare, the Director General of the RCMP Security Service, assured Prime Minister Trudeau and Solicitor General Fox that the APLQ matter "was exceptional and isolated and that directives of the RCMP to its members clearly require that all their actions take place within the law." As it turned out, the APLQ matter was far from an isolated incident. The RCMP Security Service had indeed been involved in other unlawful activities.

After Samson, and others who took part in the APLQ incident, pleaded guilty, the implications of the case became widely known. The fact that officers from three different police forces (the RCMP Security Service, the Quebec Provincial Police Force and the Montreal City Police) had participated in the APLQ break-in indicated that it was a highly organized operation. The Government of Quebec reacted to the APLQ affair by appointing a commission of inquiry under Jean Keable to investigate that incident, as well as other unauthorized activities of the RCMP in the province.

Soon, more about activities of the RCMP Security Service that were not authorized or provided for by law became known, but the most disturbing revelations came from within the force itself. When ex-Staff Sergeant Donald McCleery and ex-Sergeant Gilles Brunet met with senior officials of the Solicitor General and the Department of Justice, on 6 and 23 June 1977, concerning their discharge from the force, they made allegations that other members of the RCMP Security Service had been involved in searches without warrants, unauthorized mail openings and the use of forged documents.

Fox took this information, and disclosures from others, to RCMP Commissioner Nadon who asked the Minister to have a commission of inquiry established.

On 6 July 1977, Fox announced, in the House of Commons, the appointment of a royal commission to investigate "the scope and frequency of inquiry practices and other activities which are not permitted or provided for in the law involving members of the RCMP." At that moment, Fox elaborated on the circumstances leading up to the appointment of the royal commission as follows:

"These allegations received our immediate attention. At my request, the Deputy Solicitor General of Canada and the Assistant Attorney General, criminal law, personally met with some of the individuals who made these allegations. In addition, I asked the Commissioner of the RCMP to undertake the investigations which were warranted. He later informed me, after having made preliminary inquiries, that some of these allegations might well have some basis in fact. According to the Commissioner, it would appear that some members of the RCMP in the discharge of their responsibility to protect national security could well have used methods or could have been involved in actions which were neither authorized nor provided for by law. As a result, the Commissioner has modified his position and has recommended that the government establish a commission of inquiry into the operations and the policies of the RCMP security service, on a national basis" (see House of Commons, *Debates*, 17 June and 6 July 1977, p. 6793 and p. 7365; John Sawatsky, *Men In The Shadows: The RCMP Security Service* (Toronto: Doubleday Canada Ltd., 1980), pp. 278-283; Richard Cleroux, *Official Secrets: The Story Behind The Canadian Security Intelligence Service* (Toronto: McGraw-Hill Ryerson, 1990), pp. 37-50; and *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, Second Report. Freedom and Security Under the Law*, August 1981 [Ottawa, Supply and Services Canada, 1981], Vol. 1, pp. 7-11).

According to the Second Report of the Commissioners (Vol. 1, p. 24), 169 public hearings and 144 in-camera hearings of the commission were held from 18 October 1977 to 25 August 1981, to receive evidence or for the presentation of submissions. There were 524 exhibits filed at in-camera hearings of the commission and 468 exhibits filed at public hearings.

The commission also conducted investigations of allegations, held formal briefings and several informal meetings. In addition, they visited and obtained information from the United States, the United Kingdom, New Zealand and Australia.

Authority:

Order in Council P.C. 1911, 6 July 1977. Amended by Order in Council P.C. 2914, 28 October 1980, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

- Terms of Reference:**
- (a) To conduct such investigations as in the opinion of the Commissioners are necessary to determine the extent and prevalence of investigative practices or other activities involving members of the RCMP that are not authorized or provided for by law and, in this regard, to inquire into the relevant policies and procedures that govern the activities of the RCMP in the discharge of its responsibility to protect the security of Canada;
 - (b) to report the facts relating to any investigative action or other activity involving persons who were members of the RCMP that was not authorized or provided for by law as may be established before the commission, and to advise as to any further action that the Commissioners may deem necessary and desirable in the public interest; and
 - (c) to advise and make such report as the Commissioners deem necessary and desirable in the interest of Canada, regarding the policies and procedures governing the activities of the RCMP in the discharge of its responsibility to protect the security of Canada, the means to implement such policies and procedures, as well as the adequacy of the laws of Canada as they apply to such policies and procedures, having regard to the needs of the security of Canada.

Commissioners: David C. McDonald, Chairman; Donald S. Rickerd and Guy Gilbert.

Secretary: H.R. Johnson.

Records: Transcripts of hearings of the McDonald Commission, the Keable Commission and the Commission on Royal American Shows Inc., records relating to the Ridge Case, the MacInnis Case, Canadian Javelin Ltd., and the Commission on the Confidentiality of Health Information in Ontario, newspaper clippings on the McDonald Commission and related material.

Consult finding aid 33/128-128.

Note: acc. no. 1992-93/251 consists of additional records of the McDonald Commission transferred to the National Archives in December 1992, from the Privy Council Office. The records include exhibits, transcripts of in-camera and public hearings, research files, security files, legal opinions, files of counsel and material received from the RCMP and from government departments.

Reports: First Report. Dated 26 November 1979. Not tabled in the House of Commons. Printed as: *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police. Security and Information*. 9 October 1979 [Ottawa, Supply and Services Canada, 1979], x, 77 p.

Second Report. Dated 23 January 1981. Not tabled in the House of Commons. Printed as: *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, Freedom and Security under the Law*. August 1981 [Ottawa, Supply and Services Canada, 1981], 2 vols., xxii, 1257 p.

Third Report. Dated 15 May 1981. Not tabled in the House of Commons. Printed as: *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police. Certain R.C.M.P. Activities and the Question of Governmental Knowledge*. August 1981 [Ottawa, Supply and Services Canada, 1981], xv, 527 p.

Third Report. Supplement. Dated 30 January 1984. Not tabled in the House of Commons. *Commission of Inquiry Concerning Certain Activities of the R.C.M.P.: Supplement to Part VI of the Third Report* [Ottawa, the Commission, 1981]. One volume with various paginations.

In order not to jeopardize Canada's security, and for other reasons such as the protection of the privacy of individuals, portions of the Second and Third Reports of the McDonald Commission were not made public in 1981. Some of this material has since been released.

Related Publications:

A list of 21 research studies undertaken for the commission are available in the *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, Second Report. Freedom and Security Under the Law*. August 1981 [Ottawa, Supply and Services Canada, 1981], Vol. 2, 1233-1234. Of those studies listed, the following were published:

- (1) C.E.S. Franks, *Parliament and Security Matters* (Ottawa, Supply and Services Canada, 1979), 88 p.
- (2) M.L. Friedland, *National Security: The Legal Dimensions* (Ottawa, Supply and Services Canada, 1979), 219 p.
- (3) J.L.I.J. Edwards, *Ministerial Responsibility for National Security as it relates to the Offices of Prime Minister, Attorney General and Solicitor General of Canada* (Ottawa, Supply and Services Canada, 1980), 146 p.

Rob Ferguson. *An Index to the Reports of the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police*, McDonald Commission [Ottawa], Solicitor General Canada [1988?], 173 p.

An extensive bibliography is included in the *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police. Freedom and Security Under the Law*, pp. 1117-1144.

Title: Royal Commission On Conditions of Foreign Service, 1969-1982, 4.4 m (Vols. 1-22)

Background: On 21 March 1980, Prime Minister Trudeau announced that the federal government intended to consolidate the foreign service of Canada. Besides foreign policy, the Department of External Affairs eventually would be responsible for the Canadian Government Office of Tourism, international trade policy, trade promotion and related fields. At that time, Trudeau expressed concern that the terms and conditions governing foreign service assignments were "leading to declining morale among members of the foreign service and their families." He observed that "this could seriously undermine the high level of effectiveness at which the foreign service operates, a level which has long been recognized and envied in the international community." Consequently, he decided to appoint a royal commission into conditions of foreign service under the direction of Pamela McDougall.

In a letter to McDougall of 28 August, Trudeau elaborated on his views on the lack of morale in the foreign service. Trudeau wrote as follows:

"I wish to touch on the dissatisfaction which seems to be prevalent in the foreign service; a dissatisfaction which relates to the role of Foreign Service Officers, the various roles of the foreign service itself and how both of these are provided, both within the foreign service and externally. Related to this is a general dissatisfaction with foreign service conditions."

His point was that this dissatisfaction may be undermining motivation. He suggested to McDougall that: "One of the reasons for a declining sense of motivation in the foreign service may be based in the related facts of the growth of that service and its increasing reliance on systematic and bureaucratized management."

It was up to McDougall to look at the existing situation and to recommend changes the government might make to improve its management of foreign service operations and conditions for personnel. It was obvious, for example, that foreign service officers often faced disruptions in their family life and, at times, their physical security was in danger, especially in more hazardous posts.

Trudeau also suggested to McDougall that perceptions regarding the foreign service of Canada may be outmoded.

"Part of the problem," Trudeau observed, "may be that general perceptions of the foreign service, as well as perceptions within the ranks of that service, are based on a concept of diplomatic practice grounded in an age which has disappeared and which, in any case, predates Canadian experience. Traditional concepts of foreign service have dismissed relevance in an era of instantaneous, world-wide

communications, in which there is increasing reliance on personal contacts between senior members of governments, and in which international relations are concerned with progressively more complex and technical questions" (Correspondence, Prime Minister Trudeau to Pamela A. McDougall, 28 August 1980 and Press Release, Office of the Prime Minister 28 August 1980, *Royal Commission on Conditions of Foreign Service* [Ottawa, Supply and Services Canada, 1981], pp. vii-ix and RG 33/126, Vol. 1).

No public hearings were held but the commission held several meetings between 2 September 1980 and 9 October 1981, and visited over 40 percent of Canada's 119 posts abroad. Approximately 2,400 members of the foreign service answered questionnaires. In addition, the commission received 806 submissions from individuals and from groups including foreign service officers and their spouses, administrative support staff and foreign service staff associations.

Authority: Order in Council P.C. 2336, 27 August 1980, as amended by Order in Council P.C. 2457, 12 September 1980, under Part I of the *Inquiries Act* (R.S.C., c. I-13, 1970) and on the recommendation of the Prime Minister.

Terms of Reference: To inquire into changes in the conditions of foreign service and to report on steps that the government might take to accommodate them in the context of its approach to the legal, administrative and operational frameworks of the foreign service, with particular attention to: (a) the views of persons serving in the foreign service and their families; (b) the views of organizations and associations representing members of the foreign service and their families; (c) the views of the departments and agencies responsible for the management of the foreign service; and (d) the views of persons both within and outside of government who make direct use of the foreign service.

Commissioner: Pamela A. McDougall.

Secretary: J.G. Valiquette.

Records: Submissions, questionnaires, interviews, records relating to federal government departments, Crown corporations, foreign service associations, and the foreign service of other countries and related material.

Consult finding aid 33/129-129, parts 1 and 2.

Additional References: National Archives of Canada, Records of Parliament, RG 14, D2, Vol. 2467, Sessional Paper No. 321-4/64A, Response of the Government of Canada to the *Report of the Royal Commission on Conditions of Foreign Service*.

Report: Dated 21 October 1981. Tabled in the House of Commons on 15 December 1981, Sessional Paper No. 321-4/64, 1980-1983. Printed as: *Royal Commission on Conditions of Foreign Service*. [Ottawa, Supply and Services Canada, 1981], xv, 443 p.

Related Publications: A bibliography is included in the report of the *Royal Commission on Conditions of Foreign Service*.

Title: Royal Commission On The Law Of Insanity As A Defence In Criminal Cases, 1952-1956, .4 m (Vols. 1-2)

Background: In the early 1950s, under the *Criminal Code* (R.S.C., 1927, c. 36) provisions pertaining to the defence of insanity, an insane person was considered incapable of committing a criminal offence. If insanity was established in a criminal case, then the accused was found not guilty by reason of insanity. In these circumstances, a Lieutenant Governor's warrant was used to commit the criminally insane to an institution. They remained in it until they were considered fit to be released. Further, according to the law, an individual could not be found guilty of a crime if he or she was unfit to stand trial because of mental illness. Under these circumstances, the person was held in custody until he or she recovered sufficiently to understand the nature of legal proceedings against him or her.

On 2 February 1953, *An Act Respecting the Criminal Law* (Bill No. 93) was referred by the House of Commons to a Special Committee. The committee recommended in its final report, dated 1 May 1953, that the Governor in Council appoint a royal commission, or that a Joint Parliamentary Committee be established to consider and report upon the criminal law of Canada relating to the defence of insanity.

On 12 January 1954, a Joint Committee of the Senate and the House of Commons was appointed, but the *Criminal Code* provisions relating to the defence of insanity were so complex, that they were not referred to it. Instead, the federal Minister of Justice decided that a public inquiry should be held to determine whether or not the criminal law relating to the defence of insanity in criminal cases should be amended (2-3 Eliz. II, c. 51, section 16, 1953-1954; and Order in Council P.C. 289, 2 March 1954).

In 1991, the Supreme Court of Canada ruled that the section of the *Criminal Code*, which required a person, not guilty by reason of insanity to be automatically and indefinitely confined to an institution, was unconstitutional. In response to this ruling, the federal government made an amendment to the *Criminal Code*, in December 1991, requiring periodic review of each case. By virtue of these amendments, the courts have the following options for dealing with a person acquitted of a crime because of a mental disorder: absolute discharge, discharge under court-imposed conditions or detention in custody in a hospital under court-imposed conditions.

Hearings of the commission were held in all provincial capitals as well as in Montreal, Ottawa and Vancouver from 29 March 1954 to 12 April 1955. The commission filed 22 submissions.

Authority: Order in Council P.C. 289, 2 March 1954, under Part I of the *Inquiries Act* (R.S.C., 1952, c. 154) and on the recommendation of the Minister of Justice.

Terms of Reference:	To inquire into and report upon the question whether the criminal law of Canada relating to the defence of insanity should be amended in any respect and, if so, in what manner and to what extent.
Commissioners:	James Chalmers McRuer, Chairman; Gustave Desrochers, Helen Kinnear, Robert Orville Jones and Joseph Harris.
Secretary:	R. Noel Dickson.
Records:	<p>Transcripts of public and in-camera hearings with a partial index (Vol. 1), press clippings, publications, including a copy of the report of the commission, summary of court cases and rough handwritten notes.</p> <p>Consult finding aid 33/130-130.</p>
Report:	Dated 25 October 1956. Tabled in the House of Commons on 15 November 1957. Sessional Paper No. 194, 1957-1958. Printed as: <i>Report of the Royal Commission on the Law of Insanity as a Defence in Criminal Cases</i> (Hull, Queen's Printer, [1957]), viii, 73 p.
Related Publications:	A bibliography is included in Appendix C of the <i>Report of the Royal Commission on the Law of Insanity as a Defence in Criminal Cases</i> .

Title: Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths, 1948-1958, .6 m (Vols. 1-3)

Background: In the early 1950s, under the *Criminal Code* (R.S.C., 1927, c. 36), a sexual offender was first tried for the specific crime of which he or she was accused. If convicted, the court could then hear evidence as to whether the offender was a criminal sexual psychopath. This, according to the law, was defined as: "a person who by a course of misconduct in sexual matters, has evidenced a lack of power to control his sexual impulses and who as a result is likely to attack or otherwise inflict injury, loss, pain or other evil on any person." For declaring a person a criminal sexual psychopath, the procedure called for the testimony of at least two psychiatrists. If the court determined in the affirmative, on the basis of this testimony, the offender was sentenced to a term of imprisonment of not less than two years and for an indeterminate period thereafter. Every three years after sentencing, the history and the mental state of the inmate was reviewed in order to determine whether or not he or she could be released.

In 1948, the *Criminal Code* was amended but the addition of Section 1054a, which applied specifically to criminal sexual psychopaths, was considered to be ineffective. From 1948-1955, only 23 persons were sentenced in Canada under the law. According to testimony heard by the royal commission, the low number of sentences was attributed to the high standard of proof required, as well as procedural difficulties in determining whether or not an offender was a criminal sexual psychopath within the meaning of the law. Therefore, it was thought that a review of the law would likely result in strengthening the *Criminal Code* provisions relating to it.

On 11 March, the federal Minister of Justice stated in the House of Commons that he intended to have the law relating to criminal sexual psychopaths investigated by a royal commission. In fact, the Minister had discussed the matter with Judge McRuer, who had just been appointed Chairman of the Royal Commission on the Law of Insanity as a Defence in Criminal Cases. McRuer was of the opinion that a separate inquiry ought to be held on criminal sexual psychopaths. As a result, on 25 March, the Government of Canada appointed a royal commission on that subject under the chairmanship of Judge McRuer (11-12 Geo. VI, c. 39, 1948, sec. 43; *Report of the Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths* (Ottawa, Queen's Printer, 1958); and House of Commons, *Debates*, 11 March 1954, p. 2895).

Hearings of the commission were held in all the provincial capitals as well as in Montreal, Ottawa and Vancouver from 29 March 1954 to February 1956. The commission filed 52 submissions.

Authority:	Order-in-Council P.C. 445, 25 March 1954, under Part I of the <i>Inquiries Act</i> (R.S.C., c. 154, 1952) and on the recommendation of the Minister of Justice.
Terms of Reference:	To inquire into and report upon the question whether the criminal law of Canada relating to criminal sexual psychopaths should be amended in any respect and, if so, in what manner and to what extent.
Commissioners:	James Chalmers McRuer, Chairman; Gustave Desrochers and Helen Kinnear.
Secretary:	R. Noel Dickson.
Records:	<p>Transcripts of public and in-camera hearings, case histories, press clippings, submissions, publications, a copy of the report of the commission and related documents.</p> <p>Consult finding aid 33/131-131.</p>
Report:	Dated 21 March 1958. Tabled in the House of Commons on 16 April 1959, Sessional Paper No. 218, 1959. Printed as: <i>Report of the Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths</i> (Ottawa, Queen's Printer, 1958), x, 200 p.

Title: Commission on Pacific Fisheries Policy, 1976-1982, 4.8 m (Vols. 1-24)

Background: After a decade of record prices for salmon and herring, the fishing industry on the Pacific Coast faced generally depressed conditions in the early 1980s. For example, the total value of the fishery in 1980 was 250 million dollars compared with 566 million in 1979. In 1981, the industry improved slightly but it was still severely depressed. Peter Pearce, the Commissioner appointed by the Government of Canada to inquire into the fisheries observed:

"Canada's Pacific fisheries are at a crisis point. This year, following two depressed years, the economic circumstances of the commercial fisheries are exceptionally bleak. In addition, there is a growing concern about the precarious condition of many of our fish stocks and increasing anxiety among Indians about their traditional fishing rights and among sport fishermen about their recreational opportunities. Although aggravated by current conditions, the economic problems and other concerns are rooted in fundamental deficiencies in fisheries policy. However, within an improved policy framework, we can turn what is now a bleak and problematical picture into an exceedingly bright one in the future. Our resources are remarkably rich; indeed they are enviable in comparison to those of most other fishing regions. And while some stocks are depressed, they are generally in much better condition than the heavily exploited resources in much of the rest of the world."

Pearce pointed out, there had not been a thorough independent assessment of the Pacific fishing industry since Gordon McGregor Sloan undertook a federal inquiry on Pacific salmon in 1939. An inquiry into fisheries policy, therefore, was timely. It was hoped that the reforms suggested might enable the fisheries to realize their full potential (*Turning The Tide: A New Policy For Canada's Pacific Fisheries. The Commission on Pacific Fisheries Policy. Final Report.* Peter H. Pearce, Commissioner. Vancouver, September 1982 [Ottawa, Supply and Services Canada, 1982], p. vii; Preliminary Meeting, Commission on Pacific Fisheries Policy, Prince Rupert, 13 February 1981, RG 33/132, Vol. 7, pp. 5-7; and *Canadian Annual Review*, 1981, p. 410).

Hearings of the commission were held in Nanaimo, Port Alberni, Prince Rupert, Vancouver, North Vancouver, Victoria, Terrace, Kispiox, Powell River, Campbell River, Port Hardy and Whitehorse from 8 April 1981 to 29 April 1982. The commission received 193 submissions.

In addition, informal meetings were held in several towns and villages along the coast of British Columbia and in the interior.

Authority: Order in Council P.C. 60, 12 January 1981, amended by Order in Council P.C. 262, 28 January 1982, under Part I of the *Inquiries Act* (R.S.C., c. 1-13) and on the recommendation of the Minister of Fisheries and Oceans.

Terms of Reference: To inquire into and report upon the condition, management and utilization of the fisheries of the Pacific coast of Canada, excluding the arrangements between Canada and foreign nations governing fishing rights and conservation of stocks, with specific reference to: (a) the condition of the stocks of fish within Canada's jurisdiction off the Pacific coast, current levels of utilization and their relationship to optimum rates of use; (b) the provisions for conservation, management, protection and development of the fish resources, including the protection of their tidal and non-tidal habitat and the enhancement of salmonid stocks; (c) the structure and size of the commercial fishing fleet and the relationship between the capacity of the fleet to harvest fish and the optimum rates of harvesting the stocks; (d) the policies and procedures for licensing commercial fishing, and for regulating the size and structure of the fishing fleet, including the charges to be levied by the Crown for fishing privileges; and (e) the nature and amount of non-commercial fishing in tidal waters and non-tidal waters for salmonid species, its impact on the stocks and on the commercial fishery, and the policies and procedures for regulating non-commercial fishing.

And, further, the Commissioner shall make recommendations directed toward ensuring that the public interest is protected in the legislation, policies, procedures and practices affecting the management and use of the fish resources and in particular: (a) that fish resources and their use make the highest possible contribution to the economic and social development of the people of Canada, especially of those resident on the Pacific coast of Canada, recognizing that this contribution may be realized in economic, recreational and other social forms; (b) that granting of fishing privileges to commercial, recreational and native food fishermen is conducive to proper management and conservation, to an equitable division of the catch among sectors, and to economic efficiency in the development of the commercial fishing fleet; (c) that charges levied by the Crown for rights to fish commercially, or to land fish, are consistent with the value of the resources recovered, after fair and reasonable returns to commercial fishing enterprises; (d) that vigour of the fishing industry is maintained and advanced, and its structure, ownership and control is consistent with industrial efficiency; and (e) that provisions for management, enhancement and protection of the fish resources, for the administration of fisheries policy, and for consultation and communication between the Government of Canada and private groups involved in fishing activity are systematic and efficient.

Commissioner: Peter H. Pearse.

Secretary: E. Richard Danby.

Records:

Correspondence between the commission and participants, transcripts of hearings, submissions, exhibits, press clippings and related material.

Consult finding aid 33/132-132.

Note: The records of this commission are located in the National Archives of Canada, Federal Records Centre, Vancouver.

Reports:

Preliminary Report. Dated October 1981. Not tabled in the House of Commons. Printed as: *Conflict and Opportunity: Toward a New Policy for Canada's Pacific Fisheries. A Preliminary Report of the Commission on Pacific Fisheries Policy*. Peter H. Pearce, Commissioner. Vancouver, October 1981 [The Commission, 1981], xi, 148 p.

Final Report. Dated September 1982. Not tabled in the House of Commons. Printed as: *Turning the Tide: A New Policy for Canada's Pacific Fisheries. The Commission on Pacific Fisheries Policy. Final Report*. Peter H. Pearce, Commissioner. Vancouver, September 1982 [Ottawa, Supply and Services Canada, 1982], xii, 292 p.

Title: Commission of Inquiry on Equality in Employment, 1982-1985, 5 5 m (Vols. 1-27)

Background: On 27 June 1983, the Minister of Employment and Immigration, Lloyd Axworthy, announced the appointment of a federal commission of inquiry on equality in the work place under the direction of Judge Rosalie Abella. A press release from the Minister's Office pointed out that: "recent studies and demographic projections indicate women and other target groups will be the majority of entrants to the Canadian labour force during the 1980s." Consequently, the mandate of the commission was "to inquire into and report upon the most efficient, effective and equitable means of promoting employment opportunities, eliminating systematic discrimination and assisting all individuals to compete for employment opportunities on an equal basis" for four designated groups: women, aboriginal peoples, disabled persons and visible minorities. The government was committed to the hiring, training and promotion of these groups which had not, up to that point, participated equitably in the work force.

As directed, the commission concentrated on the employment practices of 11 designated Crown and government-owned corporations including: Petro-Canada, Air Canada, Canadian National Railway Company, Canada Mortgage and Housing Corporation, Canada Post Corporation, Canadian Broadcasting Corporation, Atomic Energy of Canada Ltd., Export Development Corporation, Teleglobe Canada, DeHavilland Aircraft of Canada Ltd., and the Federal Business Development Bank.

At the time of the commission's appointment, the government also announced that its affirmative action program was being expanded to include all sectors of the federal public service. The decision to make affirmative action mandatory followed a pilot project which involved five government departments. Under it, employers had to set goals and timetables for the hiring, training and promotion of qualified members of disadvantaged groups. Michael Walker of the Fraser Institute observed that: "the Abella Commission looks more like the final formality before the imposition of a compulsory, affirmative action program in the federal public sector and those who deal with its boards and agencies." Beyond that, Axworthy said that the commission's proposals "may constitute a model that could be promoted in the private sector" (Press Release, Minister of Employment and Immigration, 27 June 1983; Michael Walker, "The Abella Commission," *Fraser Forum*, November 1983, pp. 2-4; *Report of The Commission on Equality in Employment* [Ottawa, Supply and Services Canada, 1985], pp. v-viii and Order in Council P.C. 1924, 24 June 1983).

Hearings of the commission were held in St. John's, Charlottetown, Halifax, Fredericton, Quebec City, Montreal, Ottawa, Toronto, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver, Victoria, Yellowknife and Whitehorse from 9 August 1983 to 6 March

1984. The commission received 274 submissions as well as several letters and documents. Besides the hearings, numerous consultations and meetings took place.

Authority:

Order-in-Council P.C. 1924, 24 June 1983, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Employment and Immigration. The date on which the Commissioner was to report to the Governor in Council was amended by the following Orders in Council: P.C. 4048, 22 December 1983; P.C. 1390, 18 April 1984; and P.C. 2882, 23 August 1984.

Terms of References:

To inquire into and report upon the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis by: (a) examining the employment practices of Petro-Canada, Air Canada, Canadian National Railway Company, Canada Mortgage and Housing Corporation, Canada Post Corporation, Atomic Energy of Canada Limited, Export Development Corporation, Teleglobe of Canada Ltd. and the Federal Business Development Bank; and (b) inquiring into means to respond to deficiencies in employment practices, such as an enhanced voluntary program, possibly linked with mandatory reporting requirements and a mandatory affirmative action program.

The Commissioner shall give particular attention to: (i) the implications and impact of the various options available to the government, including the socio-economic benefits and costs associated with each option; (ii) the views of the management of the corporations on those options; (iii) the view of employees and associations representing employees of those corporations referred to in paragraph (a) on those options; (iv) the views of associations representing women, native people, disabled persons and visible minorities on those options; (v) and the views of any other interested individual or group, including the management, employees and associations representing employees of other federal Crown corporations.

Commissioner:

Rosalie Silberman Abella.

Secretary:

Bernadette Sulgit.

Records:

Submissions, replies to questionnaires and correspondence with Crown corporations, correspondence with provincial ministers, women's groups, disabled groups, unions, aboriginal peoples, visible minorities and businessmen, correspondence concerning contracts with the commission, correspondence of the Executive Director of the commission and the Commissioner, research studies, memoranda, the government's response to the Abella recommendations, and related material.

Consult finding aid 33/133-133.

Report: Dated October 1984. Tabled in the House of Commons on 20 November 1984, Sessional Paper No. 331-4/147, 1984-1986. Printed as: *Report of the Commission on Equality in Employment*. Judge Rosalie Silberman Abella, Commissioner. October 1984 [Ottawa, Supply and Services Canada, 1984], viii, 393 p.

Related Publications: *Research Studies of the Commission on Equality in Employment*, Judge Rosalie Silberman Abella, Commissioner. April 1985. [Ottawa, Supply and Services Canada, 1985], xi, 683 p.

An extensive bibliography is included in the *Report of the Commission on Equality in Employment*.

Title: Commission of Inquiry into Marketing Practises for the Potato Industry in Eastern Canada, 1984, .2 m (Vol. 1)

Background: Potatoes are one of the most important vegetable crop produced in Canada. Although they are grown across the country, 78 percent of the total produced comes from the five eastern provinces. Potatoes represent about 75 percent of the total cash receipts from all crops grown in Prince Edward Island and New Brunswick. These two provinces are the largest producers in Canada followed by Ontario, Quebec and Nova Scotia. In the late seventies, potato production increased significantly due to good growing seasons and larger acreage under cultivation.

For some time producers had been experiencing serious problems with the marketing of potatoes. An inquiry on potato marketing was promised in the Speech from the Throne of 7 December 1983. Before that time, there had been various investigations on the merits of establishing a potato marketing board. For example, a task force on marketing, which was established in December 1979, recommended, in March 1980, that an Eastern Canada Potato Marketing Agency be formed under the *Farm Products Marketing Agencies Act* (19-20-21 Eliz. II, c. 65, 1972). In July, the Eastern Canada Potato Producers Council also made a recommendation to the National Farm Products Marketing Council for a potato marketing agency with power to establish provincial marketing quotas, set minimum prices, and control domestic and international marketing of trade, seed and processing potatoes. The National Farm Products Marketing Council held hearings on this proposal in September 1980. As a result, they found that the current marketing structure was inadequate to protect the interests of producers, that producers had unequal access to markets and that producers' organizations were inadequate in assisting them with marketing problems.

It was somewhat surprising that only six months after the public inquiry into the marketing of potatoes was appointed in 1984, it was terminated. The exact reason is not clear but, in a letter to the Commissioner, Judge Carter, dated 27 November 1984, the federal Minister of Agriculture, John Wise, blamed its termination on "the urgent need to reduce the unacceptable level of the budget deficit" (RG 33/84, Vol. 1 and Order in Council P.C. 3667, 15 November 1984).

Authority: Order in Council P.C. 1844, 31 May 1984, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Agriculture.

Terms of Reference: To inquire into and report upon the effectiveness and efficiency of the existing marketing structure for potatoes in intraprovincial, interprovincial and export trade in the Provinces of Ontario, Quebec, New Brunswick, Prince Edward Island and Nova Scotia. The Commissioner shall make specific reference to:

- (1) The production base for potatoes in each province.
- (2) The market structures of: (a) provincial marketing structures and organizations; (b) other marketing organizations; (c) government programs and activities in support of the marketing activity; (d) other assistance programs such as transportation assistance; (e) market potential in interprovincial and export trade; and (f) nature of competition, including competition from other producing countries.
- (3) Inquire into the market efficiency and effectiveness of: (a) movement of potatoes through the different markets, including an assessment of the efficiency and effectiveness of the market activity; (b) pricing policies and procedures in the various markets; and (c) existing marketing organizations in: (i) protecting the interest of producers and consumers; (ii) providing information, advice and assistance to producers; (iii) providing for grower participation in the development of policy and programs; and (iv) furthering Canada's ability to compete in export markets.

Commissioner: Francis G. Carter.

Secretary: Mary Ann Allen.

Records: Submissions, correspondence (including letters from provincial Ministers of Agriculture), arrangements for hearings, minutes of meetings and related material.

Consult finding aid 33/134-134.

Report: No report was submitted. The inquiry was terminated pursuant to Order in Council P.C. 3667, 15 November 1984.

Title: Commission of Inquiry on the Pharmaceutical Industry, 1984-1985, 3.2 m (Vols. 1-16)

Background: A 1969 amendment to the *Patent Act* (R.S.C., c. P-4, s. 41) introduced a system of compulsory licences (the granting of a licence to allow a party not holding the patent to use the patent holder's processes prior to the expiry of the full patent term of 17 years) for the manufacture, import, use or sale of patented inventions, capable of being used in the preparation or production of medicine. This resulted in the manufacture of inexpensive versions of brand-name drugs by generic drug companies which paid a royalty of 4 percent to the patent holder.

On the one hand, multi-national drug companies, the major holders of pharmaceutical patents, opposed the compulsory licencing law and lobbied against it. They charged that it unfairly reduced their profits and discouraged research. They also pointed out that pharmaceutical companies, which manufactured generic drugs, benefitted from rights to market their own versions of brand-name drugs which the multi-nationals had spent time and money to develop. Moreover, provincial governments, which made reimbursements under various health care programs, reduced their costs by allowing pharmacists to dispense cheaper generic drugs in place of more expensive brand-name ones. The multi-nationals demanded, therefore, that the government restrict the sale of generic drugs by repealing the appropriate clauses of the *Patent Act*.

On the other hand, consumer groups and manufacturers of generic drugs did not want changes to the *Patent Act* that might interfere with the production of low-cost generic drugs. Such changes, it was feared, might result in an increase in the cost of prescription drugs and a decrease in the share of the pharmaceutical market by the generic firms.

Faced with growing controversy over proposed restrictions to the manufacture and sale of generic drugs, the Government of Canada appointed a royal commission to study the pharmaceutical industry (*Report of the Commission of Inquiry on the Pharmaceutical Industry* [Ottawa, Supply and Services Canada, 1985], xxxiii-xxxvi; the *Canadian Encyclopedia*, Second Edition, Vol. III, pp. 1655-1656; and the *Ottawa Citizen*, 19 April 1984).

In 1987, the Government of Canada established the Patented Medicine Prices Review Board to act as a safeguard against excessive prices for patented drugs. Patent protection for brand-name drugs was set at from seven to ten years. In 1993, the Government of Canada further extended patent protection for brand-name drugs to 20 years. Moreover, the legislation was made retroactive to December 1991.

Hearings of the commission were held in Ottawa from 17 October to 2 November 1984. The commission filed 146 submissions.

Authority: Order in Council P.C. 1298, dated 17 April 1984, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister. The date on which the Commissioner was to report to the Governor in Council was amended by Order in Council P.C. 4094, 20 December 1984.

Terms of Reference: To inquire into and report upon the current situation in the pharmaceutical industry in Canada, the prospects for a significant expansion of this industry in Canada and the policy framework for the development of the pharmaceutical industry and, within that framework, to identify proposals that might form the basis for reaching a consensus on licencing policy.

The Commissioner shall give particular attention to: (a) an analysis of companies in the pharmaceutical industry in Canada that will include economic and financial data in respect of the industry and will identify differences in operation and growth patterns among generic and patent-holding firms including firms engaged in biotechnology; (b) the identification of prospects for growth of the Canadian pharmaceutical industry in the following areas:

- (i) growth in pharmaceutical research and development expenditures together with the composition of those expenditures, and any plans of the pharmaceutical industry to link such expenditures to Canadian research institutes and medical school programs;
 - (ii) growth in pharmaceutical manufacturing of bulk active ingredients;
 - (iii) an identification of regional factors affecting this growth;
 - (iv) exports;
 - (v) growth and composition of pharmaceutical employment;
 - (vi) agricultural applications; and
 - (vii) biotechnological pharmaceutical investment; and
- (c) the review of programs used in other countries, including the functioning and effect of incentives and regulations and barriers to trade in those countries that would help in identifying market conditions and socio-economic environments that parallel or differ from the Canadian situation.

And, further, the Commissioner shall make recommendations directed toward the development of a policy framework for the pharmaceutical industry in Canada, including, where he considers it appropriate, proposals for patent protection, tax and tariff changes, incentives, availability of capital, modification of the health care delivery system and clearance procedures, and other policies and programs under provincial and federal control.

Commissioner: Harry C. Eastman.

Secretary: Wendy A. Kennedy.

Records: Transcripts of hearings, submissions, research studies, administrative files, correspondence and related material.

Consult finding aid 33/135-135.

Additional References: National Archives of Canada, Commission of Inquiry on the Pharmaceutical Industry, 1983. Audio-visual records. Audiocassettes, speeches by R.J. Santen, A. Lipton, M.E. Lippman and J. Ragaz at a symposium on breast cancer, Toronto, October 1983, approx. 2 h, acc. no. 1985-0351; and videocassette, presentation by Eli Lilly Canada Inc., on breast cancer, approx. 20 mn, acc. no. 1985-0350.

Report: Dated 28 February 1985. Tabled in the House of Commons on 22 May 1985, Sessional Paper No. 331-4/20, 1984-1986. Printed as: *Report of the Commission of Inquiry on the Pharmaceutical Industry*, Harry C. Eastman, Commissioner, *et. al.* [Ottawa, Supply and Services Canada, 1985], xxxvi, 474 p.

Related Publications: A number of research studies prepared for the royal commission were published. For a list of these studies see *Government of Canada Publications*, 1986, p. 250.

A bibliography is included in the *Report of the Commission of Inquiry on the Pharmaceutical Industry*.

Title: Royal Commission on the *Ocean Ranger* Marine Disaster, 1974-1986, 26.5 m (Vols. 1-131)

Background: On the evening of 14 February 1982, the *Ocean Ranger*, one of the largest semi-submersible oil drilling units in the world, was engaged by Mobil Oil Canada Ltd. in exploration in the Hibernia Field about 170 nautical miles east of St. John's. During a fierce winter storm, glass in one of the portlights of the rig was broken by the force of a huge wave. As a result, sea water entered the ballast control room, at about 7:45-8:00 p.m., causing a power failure in the control console. The crew, who cleaned up the water and glass in the room, were apparently unaware of the seriousness of the effect of salt water on the operation of the control system. At about 12:30 a.m., 15 February, when electrical power was restored to the control console, the rig incurred a sudden list which the Commissioners who investigated the incident explained as follows:

"the restoration of power allowed random microswitch short circuits to open the corresponding remotely operated valves. It is known that the rig incurred a sudden port bow list, and it is concluded that the cause of this list was an ingress of water from the sea into the port pontoon."

At 1:00 a.m., the *Ocean Ranger* requested assistance because the crew was unable to restore the rig to an even keel. Almost immediately, the *Seaforth Highlander*, a supply vessel which was some eight miles away, headed toward it. Meanwhile, the situation on board the *Ocean Ranger* deteriorated rapidly. The forward list increased and, at 1:09 a.m., a May Day was issued. Then, at 1:30 a.m., the radio operator on the *Ocean Ranger* informed Mobil's shore base in St. John's that the rig was being evacuated. This was the last radio transmission with the *Ocean Ranger*. But, the supply vessel *Nordertor* maintained radar contact with the rig until 3:00 a.m. Then, at approximately 3:15 a.m., the *Ocean Ranger* capsized and sank in the Atlantic Ocean with a loss of all 84 crew members. It is known that the crew members left the drilling unit, but it is not certain exactly how they did it. Of the 22 bodies of former crew members recovered, it was determined that all had drowned while in a hypothermic state.

The loss of the *Ocean Ranger* and its crew led to an investigation by the Marine Casualty Investigation Branch, Transport Canada. It appointed Alex Hickman as Commissioner, under the *Canada Shipping Act*, to inquire into the mishap. Due to "the seriousness of the tragedy, and the implications for future offshore drilling operations," the Government of Canada also appointed a royal commission under the direction of Hickman.

About the same time, the Government of Newfoundland appointed a royal commission to investigate the loss of the rig. In response to public pressure, the two governments agreed to combine the inquiries

by appointing a federal-provincial royal commission. Its purpose was to investigate the loss of the *Ocean Ranger* and its crew, and to recommend ways to improve the safety and drilling practices offshore in Eastern Canada.

Because the *Ocean Ranger* was registered in the United States, and was owned by an American Company — Ocean Drilling and Exploration Company (ODECO) of New Orleans — a Board of Investigation into the loss of the rig was also established by the United States. The U.S. Coast Guard, and the National Transportation Safety Board, participated in this investigation. They published separate reports which were both used as evidence by the Royal Commission on the *Ocean Ranger* Marine Disaster. After the latter investigation, the Commissioners maintained that the contributing factors in the loss of the drilling unit were design deficiencies and human error. In the view of the Commissioners:

"Each event and action which contributed to the loss of the *Ocean Ranger* was either the result of design deficiencies or was crew-initiated. The disaster could have been avoided by relatively minor modifications to the design of the rig and its system and it should, in any event, have been prevented by competent and informed action by those on board. Because of inadequate training and lack of manuals and technical information, the crew failed to interrupt the fatal chain of events which led to the eventual loss of the *Ocean Ranger*."

Measures were taken almost at once to improve training and safety practices for offshore drilling operations. In fact, by the time that the first volume of the royal commission's report on the disaster was published, some of its recommendations had already been implemented (Report One: *The Loss of the Semisubmersible Drill Rig Ocean Ranger and its Crew*, Supply and Services Canada, Ottawa, 1984).

Hearings of the commission were held in St. John's from 25 October 1982 to 22 March 1984 and on 5 November 1984. The commission received over 40 submissions and 321 exhibits.

During the course of the inquiry, the commission held meetings with industry representatives, government officials, academics, consultants and workers engaged in offshore drilling units, training institutions and emergency facilities in Canada, Europe and the United States.

Authority:

Order in Council P.C. 577, 18 February 1982, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister. This inquiry was terminated pursuant to Order in Council P.C. 818, 17 March 1982. A new inquiry was appointed by Order in Council P.C. 819, 17 March 1982, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

The Government of Canada and the Government of Newfoundland originally established separate royal commissions on the loss of the *Ocean Ranger*. Subsequently, these public inquiries were revoked and a joint federal-provincial inquiry established under the *Public Enquiries Act* of Newfoundland on 16 March 1982 and under the federal *Inquiries Act* (R.S.C., 1970, c. I-13) as indicated above.

Terms of Reference:

- (1) To inquire into and report upon the loss of all members of the crew of the semi-submersible self-propelled drill rig *Ocean Ranger*, and of the *Ocean Ranger*, on or about the 15th day of February 1982 on the Continental Shelf off Newfoundland and Labrador, the reasons and causes therefore, with particular reference to:
 - (a) the design, construction and stability of the *Ocean Ranger* and its suitability to conduct marine and drilling operations;
 - (b) inspection, inspection procedures, licencing, classification and certification pertaining to the conduct of marine drilling operations by the *Ocean Ranger*;
 - (c) all aspects of safety of life at sea, including the sufficiency of life saving equipment on board the *Ocean Ranger* and whether such life saving equipment was used or could have been used;
 - (d) all aspects of occupational health and safety which related to the officers and crew;
 - (e) the certification, training and safety of the officers and the crew and their respective responsibilities including those of the Master and the Toolpusher;
 - (f) the search and rescue response and any other emergency response thereto, both from within Newfoundland and elsewhere;
 - (g) oil pollution prevention procedures and whether the drill hole was left in a safe condition prior to or at the time of the casualty;
 - (h) any acts or omissions of the owner, the charterer, the operator or any contractor in respect thereto; and
 - (i) any other related matters.
- (2) Inquire into and report with respect to:
 - (a) both the marine and drilling aspects of practices and procedures in respect of offshore drilling operations on the Continental Shelf off Newfoundland and Labrador and the matters referred to in paragraphs (1)(a) to

(1)(e) as they related to other drilling units conducting marine and drilling operations on the Continental Shelf off Newfoundland and Labrador; and

(b) to the extent necessary and relevant, such practices and procedures in other Eastern Canada offshore drilling operations.

Commissioners: T. Alexander Hickman, Chairman; Gordon A. Winter, Fintan J. Aylward, Jan Furst, Moses O. Morgan and N. Bruce Pardy.

Secretary: David M. Grenville.

Records: Transcripts of hearings, pre-hearing interviews, autopsy reports, exhibits, submissions, research studies, research files, minutes of meetings, conferences and seminars; and files of the commission's counsel, secretary and chairman.

Consult finding aid 33/136-136, parts 1-3.

Additional References: National Archives of Canada, Royal Commission on the *Ocean Ranger* Marine Disaster. Audio-visual records. Videocassettes, presentations of the National Research Council and the Ocean Drilling and Exploration Company used as exhibits in the inquiry, as well as CBC Television program *The Fifth Estate* relating to the work of the commission, 1982-1984, approx. 209 h 38 mn, acc. no. 1986-0176; film tests made by the National Research Council on the *Ocean Ranger* Marine Disaster, 1983, approx. 2 h 12 mn, acc. no. 1986-0177; and audiotapes of seminars, workshops, hearings and radio communication relating to the work of the commission, 1982-1984, approx. 537 h, acc. no. 1986-0178.

National Archives of Canada, Royal Commission on the *Ocean Ranger* Marine Disaster. Cartographic and architectural records. RG 33, M136, acc. no. 86703/40, weather maps of the Newfoundland Weather Office and the Atlantic Weather Centre, 11-17 February 1982.

Provincial Archives of Newfoundland and Labrador, Government Records Collection, Royal Commission on the *Ocean Ranger* Marine Disaster, transcripts of hearings, exhibits, interviews and autopsy reports. Also, audiotapes, plans and photographs. GN 82/1, finding aid no. 240, 11.6 m, 21 h, 122 plans, 117 photos.

Reports: The Royal Commission on the *Ocean Ranger* Marine Disaster published two reports which consist of the following four volumes:

Volume 1. Dated August 1984. Not tabled in the House of Commons. Printed as: Report One: *The Loss of the Semisubmersible Drill Rig Ocean Ranger and Its Crew* [Ottawa, Supply and Services Canada, 1984], x, 400 p.

Volume 2. Dated June 1985. Not tabled in the House of Commons. Printed as: Report Two: *Safety Offshore Eastern Canada* [Ottawa, Supply and Services Canada, 1985], ix, 308 p.

Volume 3. Not dated. Not tabled in the House of Commons. Printed as: Report Two: *Safety Offshore Eastern Canada. Summary of Studies and Seminars* [Ottawa, Supply and Services Canada, 1985], i, 189 p.

Volume 4. Not dated. Not tabled in the House of Commons. Printed as: Report Two: *Safety Offshore Eastern Canada. Conference Proceedings, 1984* [Ottawa, Supply and Services Canada, 1985], i, 196 p.

Related Publications:

United States. National Transportation Safety Board. *Marine Accident Report: Capsizing and Sinking of the U.S. Mobile Offshore Drilling Unit Ocean Ranger off the East Coast of Canada, 166 Nautical Miles East of St. John's, Newfoundland, February 15, 1982*, Washington, 1983.

United States. Department of Transportation, United States Coast Guard, *Marine Casualty Report: Mobile Offshore Drilling Unit (MODU) Ocean Ranger, O.N. 615641, Capsizing and Sinking in the Atlantic Ocean, on 15 February 1982. With Multiple Loss of Life*. U.S. Coast Guard, Marine Board of Investigation Report and Commandant's Action, Report No. USCG 16732/0001-HQS-82, Washington, 1983.

Canada. Energy, Mines and Resources. *Summary of Action Taken by the Government of Canada in relation to the Recommendations of the Royal Commission of the Ocean Ranger Marine Disaster*, April 1985.

Canada. Energy, Mines and Resources Canada. *Government of Canada, Response to the Recommendations of the Royal Commission on the Ocean Ranger Marine Disaster*, April 1986.

Title: Royal Commission on the Economic Union and Development Prospects for Canada, 1983-1986, 20.4 m (Vols. 1-100; microfilm reels T-8396 to T-8419)

Background: In the early 1970s, when oil price increases disrupted the world economy, accepted economic policies were called into question. As a result, Prime Minister Trudeau contemplated the establishment of a royal commission on Canada's economic future. In 1978, Alan Nymark, a government economist, produced a draft of the terms of reference for one. Nymark continued to plan for the establishment of a public inquiry on our economic prospects and helped bring about its appointment in November 1982.

Because of the recession, the economy was the main focus of the commission but there were other important issues facing the country. According to the Commissioners:

"The Royal Commission on the Economic Union and Development Prospects for Canada was established in the fall of 1982, in the aftermath of one of the most turbulent periods of Canadian history. On the economic side, Canada was just emerging from the worst recession since the 1930s. For much of the previous decade, the country had endured unprecedented levels of inflation In addition, however, we conducted intensive, often divisive, domestic debates over enormously complicated and difficult issues such as energy policy, our new Constitution and, especially, the question of whether Quebec would remain a part of Canada."

In order for Canada to plan for the future, the Prime Minister wanted the commission to examine the country's long-term economic potential. According to Prime Minister Trudeau, "we must look further ahead to see in what ways the country and its institutions might change to take full advantage of future opportunities for development If we are to prosper we must find ways to lessen the clamour of federal-provincial argument, and to reach a consensus with far less pain. But, if this is to be achieved, we must ensure that national policies are designed so that all parts of Canada can benefit from them, and that national institutions are truly reflective of regional needs."

It is important to note that the "Macdonald Commission" proposed a free trade agreement between Canada and the United States. In fact, the Government of Canada opened trade negotiations with the Americans shortly after the commission completed its work and a Free Trade Agreement was signed between the two countries in January 1988 (Robert Fulford, "Mission Impossible," *Saturday Night*, March 1985, pp. 34-41; *Report of the Royal Commission on Economic Union and Development Prospects for Canada*, Vol. 1, pp. xi-xiii; and Office of the Prime Minister, Press Release, 5 November 1982).

Two rounds of public hearings of the commissions were held. In addition, a number of private meetings, seminars, town hall meetings, round table discussions, etc., were conducted with groups in the public and private sector. The first round of hearings took place in 27 towns and cities across Canada as well as in five Arctic communities from 6 September 1983 to 16 December 1983. The second round of hearings was held in Halifax, Montreal, Toronto, Calgary and Vancouver from 30 May 1984 to 28 June 1984. The commission filed 1,516 submissions.

Authority:

Order in Council P.C. 3438, dated 5 November 1982, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister. Further appointments of Commissioners were made by Order in Council P.C. 3582, dated 25 November 1982 and P.C. 158, dated 25 January 1983.

Terms of Reference:

To inquire into and report upon the long-term economic potential, prospects and challenges facing the Canadian federation and its respective regions, as well as the implications of such prospects and challenges on Canada's economic and governmental institutions and the management of Canada's economic affairs.

The study includes an examination of:

- (a) the appropriate national goals and policies for economic development, including the following:
 - trends in labour market requirements and conditions;
 - developments in the supply of raw materials, including energy sources;
 - capital requirements and the cost structure in a highly competitive, technologically-sophisticated and interdependent world environment;
 - trends in productivity, standards of living and social progress;
 - industrial adjustment and growth;
 - regional economic development opportunities and constraints in a national economic framework; and
 - the integrity of the Canadian economic union as it relates to the unity of Canada and the ability of all Canadians to participate in increased economic prosperity; and
- (b) the appropriate institutional and constitutional arrangements to promote the liberty and well-being of individual Canadians and the maintenance of a strong and competitive economy including the following:

- means for improving relations between governments, business, labour and other groups in Canadian society;
- the appropriate allocation of fiscal and economic powers, instruments and resources between the different levels of governments and administrations; and
- changes in the institutions of national government so as to take better account of the views and needs of all Canadians and regions, and to encourage the further development of the Canadian economic union.

The Commissioners proceed by reference to the following principles:

- (a) the Canadian economy is founded on the enterprise and productivity of individual Canadians supported by a unique mixture of public and private sector activity that reflects the traditional values of Canadian society;
- (b) Canadian economic policy must be assigned in the context of its relationships to Canadian political and economic independence and to the broader aspirations of Canadians as must be reflected in the responsibilities of governments;
- (c) the Government of Canada has the primary responsibility for managing the national economy, for encouraging reasonably balanced economic growth among the various regions of the country and for ensuring that fiscal disparities among provinces are reduced, while at the same time the provincial governments also have important responsibilities in the development and carrying out of economic and social policy; and
- (d) the report should take account of, and respect, the spirit of the Constitution of Canada and assume a continuing Canadian federal structure not significantly different from its present form.

Commissioners:

Donald Stovel Macdonald, Chairman; Clarence Lyle Barber, Albert A. Breton, Mary Angela Cantwell-Peters, E. Gérard Docquier, William M. Hamilton, John R. Messer, Laurent A. Picard, Michel Robert, Daryl Kenneth Seaman, Thomas K. Shoyama, Jean Casselman-Wadds and Catherine T. Wallace.

Secretary:

J. Gérard Godsoe.

Records:

Transcripts of hearings, submissions background material, content analysis of the submissions, correspondence, newspaper clippings, research files and related material. The submissions, transcripts of hearings and the content analysis of submissions are also available on microfilm.

- Additional References:** National Archives of Canada. Royal Commission on the Economic Union and Development Prospects for Canada. Audio-visual records. Audiocassettes of hearings, approx. 559 h, acc. no. 1985-0459; videotapes of a workshop held by the commission, television programs about the commission and related items, approx. 72 h, acc. no. 1985-0458; audiocassettes and audiotapes of public announcements, seminars and press conferences concerning the commission, approx. 121 h, acc. no. 1987-0330; and videocassette recording of a Société Radio-Canada program *Le Point* devoted to the report of the commission, approx. 30 mn, acc. no. 1987-0336.
- Reports:** Progress Report. Dated 1984. Not tabled in the House of Commons. Printed as: *Research for the Commission on Canada's Future: A Progress Report* [Ottawa, Supply and Services Canada, 1984], 58 p.
- Interim Report. Dated 16 April 1984. Not tabled in the House of Commons. Printed as: *A Commission on Canada's Future: Challenges and Choices* [Ottawa, Supply and Services Canada, 1984], 80 p.
- Final Report. Dated August 1985. Not tabled in the House of Commons. Printed as: *Report. Royal Commission on Economic Union and Development Prospects for Canada* [Ottawa, Supply and Services Canada, 1985], 3 vols., 1911 p.
- Related Publications:** Seventy-two volumes of research studies prepared for the royal commission were published in 1985. The English version was published by the University of Toronto Press and the French version by Supply and Services Canada. The studies fall under three broad headings: economics; politics and institutions of government; and law and constitutional issues.

Title: Royal Commission on Seals and the Sealing Industry in Canada, 1964-1986, 6.1 m (acc. no. 1986-87/152 boxes 1-20)

Background: On 21 June 1984, the federal Minister of Fisheries and Oceans, Pierre DeBané, announced the establishment of a royal commission to look into all aspects of seals and the sealing industry in Canada. The main factor leading up to its appointment was a two-year ban imposed by the European Economic Community (EEC) on the importation of the skins of harp and hooded seal pups from Canada. The ban was first imposed by the EEC on 1 October 1983. It was extended in September 1985 and is still in effect. The prohibition order was significant because the EEC represented 10 countries which accounted for about 80 percent of the Canadian market for seal pelts. The EEC's directive reflected pressure from animal protection groups, such as the International Fund for Animal Welfare and Greenpeace. It was not based on any scientific evidence, however, regarding the level of seal stocks in Canadian waters. Markets for seal pelts and seal products, which had already collapsed about a year prior to the EEC's action, did not recover. Because the decline affected the whole industry, few buyers could be found for skins from mature seals, or from species of seals not affected by the ban. Unfortunately, the majority of aboriginal peoples in the eastern Arctic and Northern Quebec, and fishermen in the Gulf of St. Lawrence, in Newfoundland, and elsewhere in Canada, no longer found it profitable to hunt seals.

It is not surprising, therefore, that the inquiry also looked at alternative sources of revenue for people and communities which previously had depended on the seal hunt. In DeBané's opinion, the royal commission, "will set the record straight for the public, both Canadian and international" (News Release, Fisheries and Oceans, 21 June 1984; and *Seals and Sealing in Canada. Report of the Royal Commission*. Vol. I [Ottawa, Supply and Services Canada, 1986].

Hearings of the commission were held in St. John's, Montreal, Kangiqsujuag in Northern Quebec (also known as Wakeham Bay), Toronto, Vancouver, Pangnirtung in the Northwest Territories, and Holman on Victoria Island, from 22 January to 18 June 1985. A further hearing was held in Montreal on 26 September 1985. Because of the international interest in the sealing issue, the commission also held hearings in London, England and in Washington, D.C. in April 1985. The commission received 137 submissions.

Authority: Order in Council P.C. 2242, 22 June 1984, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Fisheries and Oceans and the Minister of International Trade. Revised and amended by Order in Council P.C. 2905, 26 September 1985 and Order in Council P.C. 3769, 20 December 1985.

Terms of Reference:

To inquire into and report upon all aspects of seal resource management and sealing in Canada, and especially on the economic viability of the seal industry, with particular reference to:

- (a) the social and cultural impact and economic benefits and costs, including regulatory costs, of sealing in Canada;
- (b) the ethical considerations relevant to the harvesting of seals;
- (c) the status of Canadian seal stocks and measures currently in force in Canada to conserve, manage, protect and regulate the harvesting of seals, including the adequacy of such measures;
- (d) the interactions between seals and commercially exploited fish populations that may affect food supplies or contribute to parasite transmission;
- (e) the interaction between seal populations and commercial fisheries, including, *inter alia*, competition between seals and fishermen for fish stocks; interference in fishing activity by seals, including damage to fishing gear and catches; and the effects and related economic costs on the quality of fish catches caused by transmission of parasites by seals;
- (f) the principles necessary to manage seal stocks for conservation purposes, including appropriate cull levels, so as to ensure the continuing abundance and health of seal stocks and to minimize adverse interactions between seals and Canadian fishing resources and operations;
- (g) the methods for harvesting seals commercially and their suitability;
- (h) the domestic and international opportunities for and constraints on the processing and marketing of Canadian seal products;
- (i) the availability of alternative sources of income and opportunities for adjustment for individuals and communities currently dependent on the seal harvest;
- (j) the concerns of individuals and groups with a direct, indirect or declared interest in sealing in Canada, including an assessment of such interests;
- (k) the public awareness and attitudes in Canada and abroad on sealing policies and activities in Canada and the extent to which such attitudes could constrain future revitalization of commercial interests and activities, and recommend approaches for removing those constraints;

- (l) the international comparison, as appropriate, for the preceding elements; and
- (m) the possible new international initiatives for managing Canada's seal resources, for harvesting seals and for related activities.

Commissioners:

The original Commissioners, Albert H. Malouf, Chairman; Wilfred Templeman and Robert Ian McAllister, were to be "assisted by such other commissioners as may be appointed." In July 1984, Kenneth Radway Allen, John A. Gulland and Patrick A. Geistdoerfer were appointed Commissioners. Geistdoerfer, who only attended the opening meeting of the commission, in September 1984, resigned in April 1985. In August 1984, Russel Lawrence Barsh became a Commissioner (see Orders in Council P.C. 2650, 25 July 1984; P.C. 3079, 31 August 1984 and P.C. 1258, 18 April 1985).

Secretary:

Gilles Poirier.

Records:

Submissions, transcripts of hearings, technical reports, press clippings, hunting and trapping statistics, public awareness poll, administrative files, draft of the report of the commission and related documents.

Consult finding aid RG 33/138-141.

Additional References:

National Archives of Canada, Royal Commission on Seals and the Sealing Industry in Canada. Audio-visual records. Seven videocassettes about the seal hunt and protests against it; one audiocassette of a "verse for Mr. Justice Malouf"; and a song on "the Greenland Disaster," acc. no. 1986-0572.

Reports:

Interim Report. Dated 31 December 1985. Not tabled in the House of Commons. A typescript entitled, "Royal Commission on Seals and the Sealing Industry in Canada. Interim Report to the Governor General in Council," 16 p. and appendices, is available in the records of the commission (acc. no. 1986-87/152, box 19, file 7000-01).

Final report. Dated September 1986. Tabled in the House of Commons on 17 December 1986. Sessional Paper No. 332-4/8, 1986-1988. Printed as: *Seals and Sealing in Canada. Report of the Royal Commission* [Ottawa, Supply and Services Canada, 1986], 3 vols., 1366 p.

Related Publications:

Numerous references to publications relating to seals and the sealing industry are included in *Seals and Sealing in Canada. Report of the Royal Commission*, 3 vols.

Title: Commission of Inquiry on Unemployment Insurance, 1979-1986, 16 m (Vols. 1- 79)

Background: In the early 1980s, the rate of unemployment in Canada was high. In 1984, for example, the rate averaged 11.3 percent, and almost 10 billion dollars was paid out in unemployment insurance benefits. This amount was considerably in excess of contributions to the unemployment insurance fund. The shortfall had to be paid out of general revenues of the Government of Canada and that increased the deficit.

Critics believed that the insurance principle basic to the soundness of the *Unemployment Insurance Act* (19-20 Eliz. II, c. 48, 1970-1971) had been ignored. According to a journalist for Southam News:

"Over time and with changes in objectives, however, coverage was extended and unemployment insurance funds were not just for unemployment, but for programs covering job training, job creation, illness, maternity, work sharing, fishermen, adoption and retirees."

Critics also charged that the unemployment insurance system encouraged the unemployed to take temporary employment and just work the minimum time required to qualify for benefits. Further, it induced the chronically unemployed to remain in areas of high unemployment. Moreover, the system was considered unfair because casual workers, often in similar circumstances, received greater unemployment insurance benefits if they lived in an area of high unemployment. As for job-creation programs, they usually did not contribute to long-term economic development or steady employment.

In spite of its shortcomings, it was just too dangerous politically for the government to make radical changes in the unemployment program. If benefits were reduced, for example, the burden for the unemployed would, undoubtedly, fall on provincial and municipal governments. Furthermore, a cut-back could seriously disrupt the economy of high unemployment areas, not to mention the income security of the jobless. Ideally, the government could correct some of the unfairness of the system, clear up some of the more obvious abuses, and remove some of the disincentives to work without adverse political consequences.

In an economic statement to Parliament, of 8 November 1984, Finance Minister Michael Wilson announced that the Government of Canada would conduct a study of the unemployment insurance program, which would be followed by a parliamentary review. Further, in the budget speech on 23 May 1985, Wilson again stated that the government intended to have a major study undertaken on the subject of unemployment insurance. According to Wilson, the purpose of a study would be as follows:

"Our objective is to improve and simplify the unemployment insurance system to make it fairer and to ensure that it provides flexible adjustment in the labour market. I want to emphasize that we are not undertaking this review with an objective of reducing federal contributions to the unemployed."

Consequently, the government decided to hold a public inquiry into the unemployment insurance system and on 4 July 1985, the Minister of Employment and Immigration, Flora MacDonald, announced its appointment. Claude Forget, who chaired the inquiry, saw the mandate of the commission as follows:

"Its task was to examine how Unemployment Insurance can help Canada's economy to develop and its labour market to operate smoothly; how to make the program fair for everyone; and how to ensure that it offers the best possible help to Canadians who are temporarily unemployed. It was asked to review all elements of the Unemployment Insurance program — the extent of coverage, the criteria for eligibility, the amount and duration of benefits, as well as financing and administration."

Beyond that, the Commissioners were asked to pay particular attention to "any recommendations of the Royal Commission on Economic Union and Development Prospects for Canada [the Macdonald Commission] that relate to the Unemployment Insurance Program." Consequently, the so-called "Forget Commission" recommended the establishment of an income supplement program similar to one which had been proposed by the Macdonald Commission (*Summary Report of the Commission of Inquiry on Unemployment Insurance* (Ottawa, Supply and Services Canada, 1986), p. 5; newspaper clippings, RG 33/139, Vols. 58-59; the *Ottawa Citizen*, 18 January 1986; House of Commons, *Debates*, 8 November 1984, pp. 102-103 and 23 May 1985, p. 5015).

Coincidentally, the Province of Newfoundland also held a public inquiry on the subject of unemployment under the chairmanship of John Douglas House (see *Building on our Strengths: Report of the Royal Commission on Employment and Unemployment*, St. John's, 1986, 515 p.).

Hearings of the "Forget Commission" were held in all provincial capitals, and in Moncton, Bathurst, Newcastle, Glace Bay, Montreal, London, Windsor, Thunder Bay, Sudbury, Hamilton, Ottawa, Calgary, Vancouver, Yellowknife and Whitehorse, from 28 October 1985 to 15 February 1986.

In addition, a number of informal community meetings, field trips, round-table discussions and consultations took place. The commission filed 1,497 submissions, including several letters.

Authority:

Order in Council P.C. 2162, 4 July 1985, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I.13) and on the recommendation of the Minister of Employment and Immigration; amended by Orders in Council P.C. 730, 26 March and P.C. 2256, 30 September 1986.

Terms of Reference:

To inquire into and report upon the role of the Unemployment Insurance Program within the context of the Canadian social security system, as a means of improving the operation of labour markets in Canada, supporting more effectively Canada's economic development, ensuring the equitable financing of the Program and providing new and better opportunities for Canadians experiencing temporary unemployment by:

- (a) examining, in relation to the program, the appropriateness and adequacy of:
 - (i) the coverage and conditions of insurability, entitlement and eligibility;
 - (ii) the benefit structure;
 - (iii) the funding by employers, employees and the Government of Canada of the various components of the program;
 - (iv) the respective proportions of the cost of the program that are borne by employers, employees and Government of Canada;
 - (v) the developmental uses of the Unemployment Insurance Account for the purposes set out in sections 37, 38 and 39 of the *Unemployment Insurance Act*, 1971; and
 - (vi) any other aspects of the program that may be raised during the course of the inquiry; and
- (b) to inquire into and report upon the:
 - (i) means to respond to deficiencies in the program;
 - (ii) ways in which the program may be used to further reentry into and adjustment to the labour market of claimants;
 - (iii) changes to requirements to be met by claimants in order to receive benefit; and
 - (iv) administrative measures to be taken to maintain or improve the integrity of the program.

The Commissioners shall give particular attention to:

- (i) the views of employers and employees referred to in paragraph (a) and of associations representing those employers and employees, on the matters referred to in paragraph (a) and (b), and
- (ii) any recommendations and findings of the Royal Commission on the Economic Union and Development Prospects for Canada that relate to the Unemployment Insurance Program.

Commissioners: Claude E. Forget, Chairman; Roy F. Bennett, John J. Munro, Frances J. Soboda, Moses O. Morgan and Guylaine Saucier.

Secretaries: The Secretary was Elizabeth Dowdeswell. In September 1986, she was replaced by Nola K. Seymour.

Records: Transcripts of hearings, submissions, briefing books, research studies, minutes of meetings of the commission, press clippings and press releases. Also included is correspondence from individuals, organizations, associations, government officials and government departments.

Consult finding aid 33/139-142.

Additional References: National Archives of Canada, Commission of Inquiry on Unemployment Insurance. Audio-visual records. Audiocassettes of public hearings, approx. 348 h, acc. no. 1987-0314.

Reports: Final Report. Dated November 1986. Tabled in the House of Commons on 3 December 1986. Sessional Paper No. 332-4/6, 1986-1988. Printed as: *Report of the Commission of Inquiry on Unemployment Insurance* [Ottawa, Supply and Services Canada, 1986], 516 p.

Summary Report. Dated November 1986. Tabled in the House of Commons on 3 December 1986. Sessional Paper No. 332-4/6, 1986-1988. Printed as: *Summary Report of the Commission of Inquiry on Unemployment Insurance* [Ottawa, Supply and Services Canada, 1986], 85 p.

Title: Commission of Inquiry into the Collapse of the CCB [Canadian Commercial Bank] and Northland Bank, 1984-1986, 5.7 m (acc. no. 1986-87/407, boxes 1-19)

Background: The Edmonton-based Canadian Commercial Bank (CCB) failed on 1 September 1985. On the same day, the Calgary-based Northland Bank, which was insolvent, was placed under a curator. It ceased operations on 30 September and was eventually liquidated. The closure of the two banks marked the first time a Canadian chartered bank had failed since the failure of the Home Bank of Canada in 1923.

The CCB, which was established in 1975, soon found itself in financial difficulty. It made several unsatisfactory loans particularly in real estate, energy and construction. In addition, its purchase of a minority interest in the Westlands Bank of California proved unsound.

According to the Chief Executive Officer for the CCB, Gerald McLaughlan:

"the seeds of the destruction of the bank had been implanted in the loan portfolio prior to his succession to the office of Chief Executive Officer in early 1983. Indeed, he acknowledged that, in hindsight, the bank was doomed in 1983.... Bad loans in the early years must be classified as a prime, longterm reason for failure of this bank."

Faced with a large number of outstanding loans of doubtful value, in March 1985, the CCB was forced to ask the federal government for financial assistance. The Government of Canada, in conjunction with the Government of Alberta and six chartered banks, arranged a \$255 million dollar rescue plan for the beleaguered bank. The plan did not work out because the figures supplied by the CCB to the government did not accurately reflect the amount of money it actually needed at that time. In fact, the Bank of Canada had to advance the CCB an additional \$1.3 billion dollars between the rescue attempt and its September closure. The decision to close the CCB was inevitable after the Hitchman Report on 13 August 1985. This report, which was prepared by a group of retired bankers, revealed that the assets of the CCB were at variance from those shown in its financial statements. The report also indicated that the total loan losses of CCB could amount to around one billion dollars. The government, therefore, decided it could not give the bank any further financial assistance and allowed it to fail.

As for the Northland Bank, which was established in 1976, it was in serious financial trouble by 1982. It had lent large amounts of money to borrowers lacking the ability to repay. In part, this was due to a prolonged recession in Western Canada. A very serious loss of confidence in the Northland Bank occurred in 1985 when the rescue attempt for the CCB became publicly known. As Willard Estey, the Commissioner who inquired into the bank failures, reported:

"the CCB collapse in March 1985 shook the money markets. Northland was seen by the professional money managers as being in the same category as CCB. Deposits declined rapidly Without liquidity advances from the Bank of Canada to replace withdrawn deposits, the bank could not have carried on. Eventually, these advances totalled about \$500 M."

In spite of misgivings about the financial soundness of the Northland Bank, it was not until August 1985, however, that the Inspector General of Banks ordered a thorough examination of the bank's assets. Although loan losses had seriously eroded its capital base, the Northland Bank was not liquidated until October 1985 because its management believed a merger or a financial reorganization was possible.

On 30 September 1985, the same day as the Northland Bank was closed, the Government of Canada appointed a royal commission to inquire into the failure of the two Alberta-based banks and to report on regulations governing the Canadian banking system in general.

It appears that its appointment resulted from the fact that the government had difficulty in persuading the opposition to take part in a parliamentary committee on the bank failures. The opposition wanted assurances that a committee would be given access to certain confidential documents concerning the insolvent banks, but the government could not offer any such guarantees.

By 27 September, just when all parties had agreed to take part in a parliamentary committee, the government suddenly decided on a public inquiry. It also introduced legislation in the House of Commons to repay uninsured depositors (*Report of the Inquiry into the Collapse of the CCB and Northland Bank* [Ottawa, Supply and Services Canada, 1986], pp. 1-18; and the *Ottawa Citizen*, 30 September, 1 October and 7 October 1985).

Hearings of the commission were held in Ottawa, Edmonton and Calgary from 7 October 1985 to 22 May 1986. Some of the hearings were held in-camera. There were 344 exhibits filed with the commission. During the course of the inquiry, the commission consulted with banking experts in Canada, Great Britain and the United States.

Authority:

Order in Council P.C. 2932, 29 September 1985, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister.

Terms of Reference:	<p>To inquire into and report on the state of affairs surrounding the cessation of operations of the Canadian Commercial Bank and the Northland Bank including:</p> <ul style="list-style-type: none"> (a) an examination of all the circumstances and factors contributing to the condition of the banks and resulting in the cessation of their operations; and (b) regulatory action in dealing with these conditions and circumstances taken by the Government of Canada and its agencies, including the Bank of Canada. <p>If the Commissioner concludes that the circumstances so require, to recommend any changes in the regulatory and administrative control of the banking industry in Canada.</p>
Commissioner:	Willard Zebedee Estey.
Secretary:	Paul Ollivier.
Records:	<p>Exhibits, submissions and transcripts of hearings. Also included are records relating to Commission Counsel, the Inspector General of Banks, the Bank of Canada, the Canadian Deposit Insurance Corporation, the Royal Bank of Canada and other financial institutions in Canada and the United States.</p> <p>Consult finding aid 33/140-143.</p>
Additional References:	<p>National Archives of Canada, Commission of Inquiry into the Collapse of the CCB and Northland Bank. Audio-visual records. Canadian Broadcasting Corporation, Television, Parliamentary Bureau, videocassettes, public hearings of the commission, 1985-1986, approx. 123 h, acc. no. 1988-0322; and videocassettes of "photo opportunities" for the benefit of journalists covering the hearings of the commission, 1985-1986, approx. 1 h 40 m, acc. no. 1989-0265.</p>
Report:	<p>Dated 27 August 1986. Tabled in the House of Commons on 24 October 1986. Sessional Paper No. 332-4/5, 1986-1988. Printed as: <i>Report of the Inquiry into the Collapse of the CCB and Northland Bank</i>. August 1986. By the Honourable Willard Z. Estey, Commissioner [Ottawa, Supply and Services Canada, 1986], xiii, 641 p.</p>
Related Publications:	<p>A list of 18 studies or reports dealing with Canadian financial institutions and the regulations under which they operate is available in the <i>Report of the Inquiry into the Collapse of the CCB and Northland Bank</i>, pp. 270-271.</p>

Title: Foreign Claims Commission, 1944-1987, 40.8 m (acc. nos. 1987-88/006 and 1987-88/141, boxes 1-131 and 1-3)

Background: The purpose of Vote Item 22(a) of the Department of Finance, in Schedule B of the *Appropriation Act* No. 9, 1966 (14-15 Eliz. II, c. 55), was to authorize the federal Minister of Finance to establish a special account in the Consolidated Revenue Fund known as the "Foreign Claims Fund." In it was credited all amounts received from foreign governments with which the Government of Canada had agreements in respect of property nationalized, confiscated, expropriated, or similarly affected. These agreements, which were signed with certain foreign countries after 1 April 1966, related primarily to the settlement of claims of Canadian citizens or corporations. In order to be considered for compensation claimants had to meet certain citizenship requirements although these were not always the same for every country. In the case of Romania, Poland, Cuba and Czechoslovakia, the claim was, as a general rule, based on Canadian citizenship at the time of the loss and the date when the agreement was made. In the case of China and Hungary, the submission of claims was permitted for a limited time after agreements with these countries were made. But, there was an additional complication in the case of Romania because the "time of loss" requirement was extended for persons who qualified as "United Nations nationals" under the treaty of peace with that country.

Claimants were asked to submit details of their claims to the Department of External Affairs, together with documentation (deeds, wills, etc.) in support of their claims. They were also asked to include an evaluation of their losses based upon reasonable or fair market value of the property concerned at the time of the loss. At times, the Foreign Claims Commission had to obtain more evidence from claimants. Also, it made provision for hearings especially when claimants were disqualified for an award or the amount of it was considered inadequate by them.

Claims for war damage were not considered because these claims had already been adjudicated by the War Claims Commission which was established in October 1952. Other claims not considered included property located in a territory which was ceded to or became part of another country.

In 1970, the Foreign Claims Commission was established for the purpose of determining the eligibility of claimants for compensation from the Foreign Claims Fund. It was set up specifically for the purpose of dealing with claims made by Canadian citizens against the Government of Hungary.

Later, it determined the eligibility of other claims against other countries with which Canada had signed agreements. The following is a list of these countries and the dates of the respective agreements as well as the authorities (Orders in Council) for Foreign Claims

Settlement Regulations under which claims to the Foreign Claims Commission were adjudicated (these authorities were pursuant to the general authority of Vote Item 22(a), in Schedule B of the *Appropriation Act* No. 9, 1966):

<u>Country</u>	<u>Date of Agreement</u>	<u>Order in Council</u>
Hungary	01/06/70	P.C. 2078, 08/12/70
		P.C. 175, 28/01/75
Romania	13/07/71	P.C. 570, 28/03/72
		P.C. 177, 28/01/75
Poland	15/10/71	P.C. 2311, 21/09/72
		P.C. 176, 28/01/75
		P.C. 2936, 18/12/75
Czechoslovakia	18/04/73	P.C. 3495, 06/11/73
		P.C. 174, 28/01/75
		P.C. 3368, 04/11/82
		P.C. 507, 14/02/84
Cuba	07/11/80	P.C. 127, 22/01/81
		P.C. 2512, 16/09/81
China	20/08/81	P.C. 995, 01/04/82
		P.C. 2672, 01/09/83

If the Foreign Claims Commission determined that a claimant was entitled to compensation in respect of such claim, money was paid to the claimant out of the Foreign Claims Fund. Payment was only made, however, when recommendations of the commission to the Secretary of State for External Affairs and the Minister of Finance were approved by these ministers. Further, the claimant had to sign a release on any right to further claims from the Foreign Claims Fund. Such recommendations included the name of the eligible claimant, the amount that should be paid in respect of such claims, and the reasons for the decision taken (*Public Accounts of Canada*, fiscal year ended 31 March 1967, Vol. II, Vote 22a, Schedule B, *Appropriation Act* No. 9, 1966 and Orders in Council P.C. 2077, 8 December 1970 and P.C. 1447, 28 May 1981. In addition, various notices to potential claimants which contain information on the scope of the negotiations, nationality requirements, valuation of claims, evidence required in support of claims, etc., are found in records of this commission).

In a separate inquiry of 1987, Peter A. Hargadon was appointed by Order in Council P.C. 1169, 9 June 1987, for a two-year term, to investigate claims of Canadian citizens or corporations against the German Democratic Republic and the Socialist Federal Republic of Yugoslavia. However, none of the records included here are related to this inquiry.

Authority:

Order in Council P.C. 2077, 8 December 1970, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Secretary of State for External Affairs and the Minister of Finance. This authorized the Commissioners to investigate claims by Canadian citizens or corporations against Hungary.

By subsequent Orders in Council, the Commissioners were authorized to investigate claims against the following countries:

Romania, Order in Council P.C. 571, 28 March 1972;

Poland, Order in Council P.C. 571, 28 March 1972; revoked by Order in Council P.C. 1447, 28 May 1981;

Czechoslovakia, Order in Council P.C. 3495, 6 November 1973; revoked by Order in Council P.C. 1447, 28 May 1981; and

Cuba, Order in Council P.C. 128, 22 January 1981; revoked by Order in Council P.C. 2513, 16 September 1981.

Under Order in Council P.C. 1447, 28 May 1981 (amended by P.C. 2471, 10 August 1983), the commission's terms of reference were extended to provide for a preliminary appraisal of claims of Canadian citizens against a foreign country before a claims agreement was reached with that country. This came about because the authority to pay for such an extension had been provided by Vote 16b of the Department of Finance, in the *Appropriation Act* No. 3, 1980-1981. The new mandate authorized the Commissioners to investigate claims by Canadian citizens against the following countries: Poland, Czechoslovakia and Cuba. Further, claims against China were referred to the Foreign Claims Commission by Order in Council P.C. 992, 1 April 1982.

The Foreign Claims Commission was extended with new terms of reference by Order in Council P.C. 1169, 9 June 1987. It was authorized to investigate claims by Canadian citizens or corporations against East Germany and Yugoslavia.

Terms of Reference:

The original terms of reference were as follows:

To inquire into and report upon:

- (i) claims made by Canadian Citizens and the Government of Canada against Hungarian citizens and the Government of the Hungarian People's Republic, and
- (ii) any other claims that may be referred to the commission by the Governor in Council

for which compensation may be paid out of the Foreign Claims Fund;

that the Commissioners be authorized, subject to such regulations as may be made by the Governor in Council, to inquire into all particular

claims described above, and be required to report on such claims to the Secretary of State for External Affairs and the Minister of Finance, stating whether in their opinion each claimant is eligible to receive payment out of the fund, the reasons for their opinion and their recommendation as to the amount that should be paid in respect of each such claim. (Order in Council P.C. 2077, 8 December 1970.)

The terms of reference, as extended by Order in Council P.C. 1447, 28 May 1981, were as follows:

- (a) to inquire into, report upon and make recommendations concerning claims made by Canadian citizens with respect to property rights and interests affected by measures of nationalization, expropriation, taking under administration or any other similar legislative or administrative measures taken by foreign governments;
- (b) that, where a claims agreement relating to the settlement of Canadian claims has not been signed with another government, the Commissioners be required to inquire into such claims as are referred to them by the Secretary of State for External Affairs and to inform the Secretary of State for External Affairs of their opinion, on the basis of material already available and provided to them by the Secretary of State for External Affairs, of the number of potentially valid claims against the government concerned, the estimated quantum thereof and the reasons for their opinion;
- (c) that, where a claims agreement relating to the settlement of Canadian claims has been reached with another government, the Commissioners be required, subject to such regulations as may be made by the Governor in Council, to inquire into such claims specified by the Governor in Council and to report to the Secretary of State for External Affairs and the Minister of Finance stating whether, in their opinion, a claimant is eligible to receive a payment out of the Foreign Claims Fund, the reasons for their opinion and their recommendation as to the amount that should be paid in respect of each such claim.

Commissioners:

The original Commissioners were Thane Alexander Campbell, Chief Commissioner, and Thomas D. MacDonald, Deputy Commissioner.

In January 1975, J. Harrison Cleveland was appointed Commissioner and Thomas D. MacDonald became Deputy Chief Commissioner. These changes came about as Campbell became seriously ill in January 1974, and was unable to carry out his responsibilities after that time.

In May 1981, Thomas D. MacDonald was promoted to the position of Chief Commissioner and J. Harrison Cleveland became Deputy Chief Commissioner (see Orders in Council P.C. 213, 30 January 1975 and P.C. 1447, 28 May 1981. The first Chief Commissioner of the Foreign

Claims Commission, Thane A. Campbell, who had also served as Chief Claims Commissioner for the War Claims Commission, died on 28 September 1978).

Records:

Case files relating to individual claimants or groups of claimants whose claims were considered by the Foreign Claims Commission. The countries to which the files relate are as follows: China, Cuba, Czechoslovakia, Hungary, Poland and Romania. Also included are several reports relating to the work of the commission (see acc. no. 1987-88/006, box 131).

Consult finding aid RG 33/141-144.

Reports:

Report on Hungarian Claims. Dated 31 March 1977. Not tabled in the House of Commons. A typescript of the report, entitled "Report of the Foreign Claims Commission on Hungarian Claims," 5 p. and a list of eligible and ineligible claimants.

Report on Romanian Claims. Dated 27 May 1977. Not tabled in the House of Commons. A typescript of the report, entitled "Report of the Foreign Claims Commission on Romanian Claims," 2 p. and a list of eligible and ineligible claimants.

Report on Polish Claims. Dated 4 March 1981. Not tabled in the House of Commons. A typescript of the report, entitled "Report of the Foreign Claims Commission on Polish Claims," 4 p. and a list of eligible and ineligible claimants.

Report on Chinese Claims. Dated 26 November 1985. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the China Claims Program," 4 p. and a list of eligible and ineligible claimants.

Report on Foreign Claims. Dated 12 December 1985. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to Her Excellency the Governor General in Council," 8 p. and Schedule I to VI.

Report on Cuban Claims. Dated 10 July 1986. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the Cuban Claims Program," 2 p. and a list of eligible and ineligible claimants.

Report on Czechoslovakian Claims. Dated 15 July 1986. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the Czechoslovakian Claims Program," 4 p. and a list of eligible and ineligible claimants.

Report of the Foreign Claims Commission. Dated 28 July 1986. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to the Secretary of State for External Affairs on Potentially Valid Claims against Yugoslavia and the Estimated Quantum Thereof," 7 p. The report includes schedules 1-9 and appendices A-E.

Report of the Foreign Claims Commission. Dated 1 June 1990. Not tabled in the House of Commons. A typescript of the report entitled "Report of the Foreign Claims Commission to Her Excellency the Governor General in Council," Ottawa, Canada, Peter A. Hargadon, Commissioner, 12 p.

All of the above mentioned reports are available in the records of the Foreign Claims Commission (RG 33/141, acc. no. 1987-88/006, box 131).

Title: Canadian Sentencing Commission, 1981-1987, 4.5 m (acc. no. 1987-88/118, boxes 1-15)

Background: The creation of the Commission of Inquiry on Sentencing, in May 1984, was originally promised by the Government of Canada in a policy statement on sentencing of 7 February 1984. At that time, the Minister of Justice, Mark MacGuigan, tabled a comprehensive set of sentencing provisions in Parliament which formed part of the *Criminal Law Reform Act*, 1984 (Bill C-19). These provisions were based on certain principles of sentencing as proposed in a government policy paper on criminal law, known as *The Criminal Law in Canadian Society*, and in various reports of the Law Reform Commission of Canada, especially *Dispositions and Sentences in the Criminal Process: Guidelines*.

The Criminal Law in Canadian Society, for example, identified the shortcomings in the sentencing process as follows:

"First, there are no clear policies or principles of sentencing in Canada. Second, there is an apparent disparity in the sentences awarded for similar crimes committed by similar offenders in similar circumstances. Third, while little is really known about the effectiveness of various sentences, what is known suggests that the present sentencing options and practice leave considerable room for innovation and greater effectiveness."

In February 1985, shortly after J.R. Omer Archambault succeeded William Robert Sinclair as the Chairman of the Commission on Sentencing, he pointed out that the inquiry was intended to address a number of issues which were not dealt with in Bill C-19. These included maximum and mandatory minimum penalties prescribed in the *Criminal Code*; possible approaches to sentencing guidelines within the Canadian context; the relationship between guidelines and prosecutorial discretion; plea and charge negotiation; parole and remission; and information systems necessary for the use and updating of sentencing guidelines. Archambault went on to make the following statement in regard to the creation of the inquiry on sentencing:

"Although the federal government felt those issues of procedure, evidence, and range of sanctions could be addressed through the immediate proposals for legislative change, it recognized the desirability of creating a body to give more in-depth consideration to the important issues listed above as well as to oversee and study the relationship between sentencing issues and other aspects of the criminal justice system."

Archambault made it clear, however, that issues relating to the capital punishment and dispositions under the *Young Offenders Act* (29-30-31-32 Eliz. II, c. 110, 1980-1983) were not included in the commission's mandate. The inquiry was restricted to offences

contained in the *Criminal Code* (R.S.C. 1970, c. C34) the *Narcotic Control Act* (R.S.C. 1970, c. N1) and Part III and IV of the *Food and Drug Act* (R.S.C. 1970, c. F27). (Canada. *The Criminal Law In Canadian Society* (Ottawa, August 1982), p. 33; Canada. *Law Reform Commission of Canada, 13th Annual Report, 1983-1984* [Ottawa, Supply and Services Canada, 1984], p. 10; News Release, the Minister of Justice and the Attorney General of Canada, Mark MacGuigan, 14 May 1984; and J.R. Omer Archambault. "Sentencing Reform," *Ontario Lawyers Weekly*, 22 February 1985.)

When the Canadian Sentencing Commission was created, it was thought that the provisions of Bill C-19 would become law. However, the bill died on the order paper because of the dissolution of Parliament on 9 July 1984. Many of the provisions of Bill C-19, exclusive of those relating to sentencing, were later incorporated into the *Criminal Law Amendment Act*, 1985 (33-34 Eliz. II, c. 19) which came into force on 4 December 1985.

No public hearings were held but the commission received over 90 submissions from national, provincial and local groups, from judges' associations and from individuals. The commission also met with many professional and community associations as well as with leading Canadian, American, English and Australian authorities in sentencing procedures.

Authority:

Order in Council P.C. 1585, 10 May 1984, and Order in Council P.C. 441, 8 February 1985, under Part I of the *Inquiries Act* (R.S.C. 1970, c. I-13) and on the recommendation of the Prime Minister. The date for the submission of the Commissioner's report to the Governor in Council was changed by Orders in Council P.C. 587, 6 March 1986; P.C. 2241, 25 September 1986; P.C. 2625, 20 November 1986; P.C. 118, 29 January 1987; and P.C. 362, 2 March 1987.

Terms of Reference:

- (a) To examine the question of maximum penalties in the *Criminal Code* and related statutes and advise on any changes the Commissioners consider desirable with respect to specific offences in light of the relative seriousness of these offences in relation to other offences carrying the same penalty, and in relation to other criminal offences;
- (b) to examine the efficacy of various possible approaches to sentencing guidelines, and to develop model guidelines for sentencing and advise on the most feasible and desirable means for their use, within the Canadian context, and for their ongoing review for purposes of updating;
- (c) to investigate and develop separate sentencing guidelines for:
 - different categories of offences and offenders; and
 - the use of non-carceral sanctions;

- (d) to advise on the use of the guidelines and the relationship which exist and which should exist between the guidelines and other aspects of criminal law and criminal justice, including:
 - (i) prosecutorial discretion, plea and charge negotiation;
 - (ii) mandatory minimum sentences provided for in legislation; and
 - (iii) the parole and remission provisions of the *Parole Act* and the *Penitentiary Act*, respectively, or regulations made thereunder, as may be amended from time to time; and
- (e) to advise, in consultation with the Canadian Centre for Justice Statistics, on the development and implementation of information systems necessary for the most efficacious use and updating of the guidelines.

The Commissioners be guided, in the development of any model guidelines, by the policy and approach that such guidelines should:

- (f) reflect the fundamental principles and purposes of sentencing as set forth in any legislation that may be adopted by Parliament, and in the Statement of Purpose and Principles set out in the Criminal Law in Canadian Society;
- (g) be based on relevant criminal offence and offender characteristics;
- (h) indicate the appropriate sentences applicable to cases within each category of offence and each category of offender, including the circumstances under which imprisonment of an offender is proper;
- (i) if a sentencing guideline indicates a term of imprisonment, recommend a time, or range in time for such a term; and an appropriate differential between the maximum and the minimum in a range;
- (j) include a non-exhaustive list of relevant aggravating and mitigating circumstances and indicate how they will affect the normal range of sentence for given offences; and
- (k) take into consideration sentencing and release practices, and existing penal and correctional capacities.

Commissioners:

The original Commissioners were William Robert Sinclair, Chairman; J.R. Omer Archambault, Vice Chairman; Claude Bisson, Anthony N. Doob, Randal S.K. Wong, Albert J.C. Chartrand, Frederick C. Hayes, Bruno J. Pateras and Gladys Young. Due to Sinclair's resignation from the commission on 3 December 1984, Archambault was officially

appointed Chairman and Claude Bisson became Vice Chairman in February 1985. E.J. Langdon was appointed Commissioner at that time as well (Order in Council P.C. 441, 8 February 1985). Of the nine Commissioners, eight were part-time; the Chairman, however, worked full-time.

Secretary: J.R. Omer Archambault.

Records: Submissions, questionnaires, research reports, research files, minutes of meetings of the commission, correspondence, newspaper clippings and related files.

Consult finding aid 33/142-145.

Report: Dated February 1987. Tabled in the House of Commons on 25 March 1987. Sessional Paper No. 332-4/18, 1986-1988. Printed as: *Sentencing Reform: A Canadian Approach. Report of the Canadian Sentencing Commission*. February 1987, [Ottawa, Supply and Services Canada, 1986], xl, 592 p.

Related Publications: An extensive bibliography is contained in the report of the Canadian Sentencing Commission. It includes references to research studies on sentencing and related subjects undertaken by the Law Reform Commission of Canada, as well as the Sentencing Commission. A number of the studies of the Sentencing Commission were published by the Research and Development Directorate, Department of Justice. (See *Government of Canada Publications-Catalogue*, July-September 1988, pp. 283-284.)

Title: Commission of Inquiry into the Hinton Train Collision, 1978-1986, 8.4 m (acc. no. 1987-88/127, boxes 1-28 and 12 packages nos. 29-40)

Background: At approximately 8:40 a.m., Mountain Standard Time, 8 February 1986, a westbound Canadian National Railway freight train (No. 413) went through a warning light, a stop signal and a switch onto a single track where it collided head-on with an east bound VIA Rail Canada Inc. passenger train (No. 4).

The accident occurred on the main CN line at mile 173, Edson subdivision, 11 miles east of Hinton, Alberta.

Twenty-three people, including seven members of the CN rail crew and 16 passengers, were killed and 71 injured in the accident. The collision caused the derailment of about 80 rail cars. In addition, fuel from the diesel locomotives spilled over part of the wreckage and burst into flames. It is estimated that the total value of equipment damaged or destroyed in the collision, which included six diesel locomotives, one steam generator car, five passenger cars, one baggage car, 75 freight cars and 541 feet of track, was over 30 million dollars.

The Government of Canada immediately ordered that a public inquiry be held into the accident. The Minister of Transport, Don Mazankowski, who visited the site of the collision on 9 February, informed the House of Commons the next day as follows:

"the safety of our transportation system is of paramount importance to this Government. We are deeply concerned by this tragedy, and believe that every effort must be made to determine the cause at the earliest possible date. Therefore, given the tragic and extraordinary circumstances surrounding this collision, the Government has ordered a judicial inquiry to ensure that a complete and independent examination takes place."

Although both the Liberals and the New Democratic Party were in favour of an inquiry, they wanted a more comprehensive one undertaken. But, the government refused to broaden the mandate on the grounds that it was more important to determine the immediate cause of the rail disaster (*Commission of Inquiry Hinton Train Collision. Report of the Commissioner the Honourable Mr. Justice René P. Foisy*. December 1986, [Ottawa, Supply and Services Canada, 1986], pp. 3, 15-16 and 31-32; House of Commons, *Debates*, 10 February 1986, pp. 10629-10630 and 10635).

Hearings of the commission were held in Edmonton and Jasper from 24 March to 25 June 1986. There were 541 exhibits filed with the commission.

Authority: Order in Council P.C. 382, 10 February 1986, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Minister of Transport. The deadline for the completion of the Commissioner's report was extended from 30 May to 31 December 1986 by Order in Council P.C. 1578, 26 June 1986.

Terms of Reference: To inquire into and report on the collision of Via Rail Canada Inc. train number 4 and Canadian National Railway train number 413 at or about mile 173, Edson Subdivision in the province of Alberta on February 8th, 1986, with particular reference to:

- (1) the factors contributing to, causes of and circumstances connected with this collision;
- (2) the adequacy of existing federal law, regulations, rules and standards governing railway operations and safety, insofar as they relate to this collision;
- (3) the adequacy of existing practices, procedures and standards governing railway operations and safety followed by Canadian National Railways and Via Rail Canada Inc., insofar as they relate to this collision;
- (4) the performance of all persons and mechanical components involved in the operation of the trains involved in this collision and the traffic control systems governing their movements;
- (5) the steps which can be reasonably taken to reduce the risk of recurrence of such a collision anywhere in Canada; and
- (6) any matters incidental or relating to any of the matters referred to in paragraphs 1 to 5.

Commissioner: René Paul Foisy.

Secretary: James R. Hughes.

Records: Submissions, exhibits, transcripts of hearings, medical files, and material from the Canadian Transport Commission, CN Rail, VIA Rail Canada Inc., and CP Rail. Included is a report on the Hinton rail collision prepared by E.V. Beamish for the Railway Transport Committee, Canadian Transport Commission (see box 15, file 20002.24).

Consult finding aid 33/143-146.

Additional References: National Archives of Canada, Commission of Inquiry into the Hinton Train Collision. A number of exhibits were transferred to the photographic records, audio-visual records, as well as to the cartographic and architectural records holdings. Accession information is unavailable at this time.

Report:

Dated December 1986. Tabled in the House of Commons on 22 January 1987. Sessional Paper No. 332-4/13, 1986-1988. Printed as: *Commission of Inquiry Hinton Train Collision. Report of the Commissioner the Honourable Mr. Justice René P. Foisy*. December 1986, [Ottawa, Supply and Services Canada, 1986], 205 p.

Title: Commission of Inquiry on War Criminals, 1985-1986, .1 m (Vol. 1)

Background: Events leading up to the appointment of the Royal Commission on War Criminals, as summarized in the Deschênes report are as follows:

"Shortly after World War II, trials were held in Europe for crimes committed [by Nazi war criminals] against members of the Canadian Armed Forces: four trials involving seven accused were held by the Canadian Forces; at least six other trials involving 28 accused were held by the British Forces on behalf of Canada.

In 1948, the Overseas Reconstruction Committee of the British Cabinet decided "that no further trials of war criminals should be started after 31 August 1948." "

The British government explained its position as follows:

"In our view, punishment of war criminals is more a matter of discouraging future generations than of meting out retribution to every guilty individual. Moreover, in view of future political developments in Germany envisaged by recent tripartite talks, we are convinced that it is now necessary to dispose of the past as soon as possible."

The seven Dominion, as they were known: Canada, Australia, New Zealand, South Africa, India, Pakistan and Ceylon were consulted, but went along with the British proposal.

Consequently, there were no more prosecutions of war criminals in Canada until the 1980s when Robert Kaplan became Solicitor General.

In May 1983, legal action was taken against Helmut Rauca, a former SS Officer, who was extradited from Canada to West Germany for war crimes but died in custody before his case came to trial.

Then, on 20 December 1984, in a letter to Prime Minister Mulroney, Sol Littman, Canadian representative for the Simon Wiesenthal Centre for Holocaust Studies of Los Angeles, claimed that Josef Mengele, an alleged Nazi War criminal (using the name Dr. Josef Menke), had "applied to the Canadian embassy in Buenos Aires for admission to Canada as a landed immigrant in late May or early June 1962" (it is interesting to note that the Deschênes Commission concluded that Littman's claims concerning Menegle were unfounded). Littman called for "an immediate investigation." Then, on 23 January 1985, the *New York Times* published an article by Ralph Blumethal on the Mengele case based on information supplied by Littman.

Just two weeks later, the Government of Canada appointed a commission of inquiry to determine whether or not Mengele "may have entered or attempted to enter Canada."

To some, it appeared that the Government of Canada established the public inquiry on war criminals mainly as a result of Littman's charges. In his report on war criminals, Jules Deschênes wrote:

"the sensational allegations concerning Dr. Mengele's connection with Canada were the straw that broke the camel's back: the matter had to be clarified once and for all."

But the question of Mengele's alleged entry into Canada was only one of the subjects the government asked Deschênes to investigate and it was not the main focus of the inquiry. In addition, the inquiry was to determine whether any "other persons responsible for war crimes related to the activities of Nazi Germany during World War II (hereafter referred to as war criminals) are currently resident in Canada" and what can be done to bring them to justice. David Matas has concluded:

"No one factor can be identified as the springboard which launched the inquiry. Many elements contributed — mounting pressure by concerned citizens, a flood of allegations against suspected individuals pouring in over recent years, the threat of neo-Nazism as it was exposed in the trials of Holocaust deniers Ernst Zundel in Ontario and high school teacher Jim Keegstra in Alberta. Information suggesting Joseph Mengele may have attempted to enter Canada was also a factor. Another element was the election of a new government, willing to confront publicly an issue that preceding governments had preferred to keep buried in back files" (*Commission of Inquiry on War Criminals Report*. Part I: Public. Honourable Jules Deschênes, Commissioner. Ottawa, Canada. 30 December 1986, [Ottawa, Supply and Services Canada, 1986], pp. 25-33, 67-82 and 245; Order in Council P.C. 348, 7 February 1985; and David Matas, *Justice Delayed Nazi War Criminals in Canada*, Toronto, Summerhill Press, 1987, pp. 151-162).

Hearings of the commission were held in Montreal, Hull, Ottawa, Toronto and Winnipeg from 10 April to 6 December 1985. Additional hearings were held in Hull on 5 and 6 May 1986.

Authority:

Order in Council P.C. 348, 7 February 1985, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister. The French text of this Order in Council was revoked by Order in Council P.C. 635, 28 February 1985 and a new version approved. Moreover, the date for the submission of the commissioner's report to the Governor in Council was changed by the following Orders in Council: P.C. 3642, 12 December 1985; P.C. 1333, 5 June 1986; and P.C. 2255, 30 September 1986.

Terms of Reference:	To conduct such investigations regarding alleged war criminals in Canada, including whether any such persons are now resident in Canada and when and how they obtained entry to Canada as in the opinion of the Commissioner are necessary in order to enable him to report to the Governor in Council his recommendations and advice relating to what further action might be taken in Canada to bring to justice such alleged war criminals who might be residing within Canada, including recommendations as to what legal means are now available to bring to justice any such persons in Canada or whether and what legislation might be adopted by the Parliament of Canada to ensure that war criminals are brought to justice and made to answer for their crimes.
Commissioner:	Jules Deschênes.
Secretary:	Karen D. Logan.
Records:	Eight research studies prepared at the request of the commission. Consult finding aid 33/144-147.
Additional References:	National Archives of Canada, National Archives Library. A severed version of a research study entitled <i>Nazi War Criminals in Canada: The Historical and Policy Setting from the 1940s to the Present</i> . Prepared by Alti Rodal at the request of the commission. National Archives of Canada, Paul Yzyk Papers, MG 32, C67, Vols. 63-68, transcripts of hearings of the Deschênes Commission, briefing notes, newspaper clippings, correspondence, submissions and related material on the subject of war crimes. The original records of the Deschênes Commission, including the original of the above research study by Rodal, are in the custody of the Crimes Against Humanity and War Crimes Section, Department of Justice, which is responsible for the prosecution, under the <i>Criminal Code</i> , of persons who are alleged to have committed such crimes.
Report:	Dated 30 December 1986. Tabled in the House of Commons on 12 March 1987. Sessional Paper No. 332-4/17, 1986-1988. Printed as: <i>Commission of Inquiry on War Criminals. Report. Part I: Public</i> . Honourable Jules Deschênes, Commissioner. Ottawa, Canada. 30 December 1986, [Ottawa, Supply and Services Canada, 1986], xi, 966 p. Chapters 8 and 9 of the report of the Deschênes Commission contain 822 opinions on individual cases. All of these opinions are included in the "public" version of the report but the wording of some of them was changed to reduce the possibility of identifying individuals.
Related Publications:	An extensive bibliography is contained in the report of the <i>Commission of Inquiry on War Criminals</i> .

Title: Royal Commission to Investigate Chinese and Japanese Immigration into British Columbia, 1900-1902, .5 m (Vols. 1-3)

Background: During the latter part of the nineteenth century, there was strong opposition from labour groups, politicians and residents of British Columbia to Chinese immigration. Many wanted it either severely restricted or to have Chinese excluded from entering Canada entirely. The British Columbia legislature tried to limit occupations open to orientals in the province. As early as 1878, it restricted the use of Chinese labour on public works. It also passed a number of other discriminatory acts against the Chinese but most of them were disallowed. Efforts to restrict or exclude Chinese from the province continued as petitions favouring an increase in the "head tax" on Chinese immigrants and for the passage of a *Natal Act* (a requirement that immigrants be literate in English) poured into Ottawa.

In 1900, complaints were also made to Ottawa against Japanese immigration to British Columbia. In the first four months of that year, 4,669 Japanese and 1,325 Chinese landed in the province. This influx of Asians caused considerable dissatisfaction among the working classes who feared that the job market would become overcrowded by cheap labour from both China and Japan. The federal government was especially reluctant to restrict the entry of Japanese to Canada because such a step was counter to Imperial policy. The Government of Canada did, however, pass the *Chinese Immigration Act* (63-64, Vict. c. 32, 1900). It limited the number of Chinese who might be brought to Canada to one person for every 50 ton cargo, and increased the "head tax" from \$50 to \$100. On 14 June 1900, when Prime Minister Laurier introduced the *Chinese Immigration Act* in the House of Commons, he made it clear that the Government of Canada would establish a commission to investigate complaints against both Chinese and Japanese immigration (Harry Con, *et. al.*, *From China to Canada: A History of the Chinese Communities in Canada*, Toronto, McClelland and Stewart, 1982, p. 82 and House of Commons, *Debates*, 14 June 1900, pp. 7408-7409.

Hearings of the commission were held in Victoria, Nanamio, Union, Vancouver, New Westminster, Kamloops, Vernon, Revelstoke, Rossland, Nelson, Sandon and Kaslo from 13 March 1901 to 31 May 1901. The Commissioners also visited canneries, lumber mills and other industries, on the west coast of the United States, including Seattle, Fairhaven, Whatcom, Portland and San Francisco, where large numbers of orientals were employed.

Authority: Order in Council P.C. 2187, 21 September 1900, under *An Act respecting Inquiries concerning Public Matters* (R.S.C., 1886, c. 114) and on the recommendation of the Secretary of State.

Terms of Reference:	To inquire into and report upon: statements and representation indicated in Order in Council P.C. 2187 dated 21 September 1900, to the effect that the people and Legislature of British Columbia have made on the subject of Chinese and Japanese immigration into that Province; the action of the Government of British Columbia with regard to making the <i>Chinese Immigration Act</i> more restrictive by increasing the capitation tax and decreasing the number each vessel is permitted to carry, or that the importation of Chinese be prohibited; and the question as to whether the Japanese should be treated as the Chinese were, and whether or not they present the same objectionable characteristics as were alleged against the Chinese.
Commissioners:	Roger Conger Clute, Chairman; Daniel James Munn and Ralph Smith. In January 1901, Smith was replaced as Commissioner by Christopher Foley (Order in Council P.C. 56, 8 January 1901).
Secretary:	Francis J. Deane.
Records:	Report on Japanese immigration, report on Chinese immigration, transcripts of hearings held in British Columbia and on the west coast of the United States. Consult finding aid 33/145-148.
Report:	Part I. (Chinese Immigration) dated 18 February 1902. Part II. (Japanese Immigration) dated 8 March 1902. Tabled in the House of Commons on 14 April 1902. Sessional Paper No. 54, 1902. Printed as: <i>Report of the Royal Commission on Chinese and Japanese Immigration</i> . Ottawa: King's Printer, 1902, xiv, 430 p. The report includes transcripts of evidence of the commission.

Title: Commission to Investigate Alleged Chinese Frauds and Opium Smuggling on the Pacific Coast, 1910-1911, .4 m (Vols. 1-2)

Background: On 10 November 1909, Mr. T.R.E. McInnes, who was employed by the Government of Canada to draft a new immigration act, made allegations about the illegal entry of Chinese into Canada. In June 1910, Mr. David Lew, a Chinese interpreter in Vancouver, made similar allegations to Mr. F.C.T. O'Hara, Deputy Minister of Trade and Commerce, and Chief Comptroller of Chinese Immigration in Ottawa. As a result, Mr. O'Hara sent Mr. Edward Foster, Inspector of the Dominion Police, to Vancouver in July to investigate. On 12 October, Foster recommended that the Government of Canada appoint a royal commission to inquire into unlawful Chinese immigration to Canada.

On 14 November, just two days after the commission was established, charges were made to the Minister of Customs, "that prominent members of the Liberal party had done all in their power to prevent any probing into alleged frauds because they were participants therein."

Although the commission found no evidence to support these charges, evidence was found that members of the executive of the Liberal Party in Vancouver, and the Hon. William Templeman, Minister of Inland Revenue, had requested the reinstatement of Yip On, Chinese interpreter at Vancouver, and Mr. J.M. Howell, Collector of Customs and Comptroller of Chinese Immigration at Vancouver, after they had been suspended by the department.

Apart from allegations of fraud, the inquiry also dealt with the subject of opium seizures. This investigation resulted from charges that opium was either being sold by customs officials in Vancouver or that they had profited from the sale of it. The smuggling and sale of opium became especially profitable in 1908 when the *Act to Prohibit the Importation, Manufacture and Sale of Opium for other than Medicinal Purposes* came into effect (*Report of Mr. Justice Murphy, Royal Commissioner appointed to investigate alleged Chinese frauds and opium smuggling in the Pacific Coast, 1910-1911*. Ottawa, Government Printing Bureau, 1913 and 7-8 Ed. VII, c. 50, 1908).

Hearings of the commission were held in Vancouver, Victoria and Nanaimo from 19 December 1910 to 18 March 1911. Hearings concerning Chinese merchants attempting to enter Canada on the *Empress of China* were held in Vancouver on 30 September 1910.

Authority: Order in Council P.C. 2281, 12 November 1910, under the *Inquiries Act* (R.S.C., 1906, c. 104) and on the recommendation of the Minister of Trade and Commerce. The part of the *Act* under which the commission was established is not stated in the Order in Council.

Terms of Reference:	To inquire into and report upon the frauds recently shown to have existed in connection with the unlawful landing of Chinese immigrants in Canada at British Columbia ports, and any other evasions in violation of <i>An Act respecting and restricting Chinese Immigration</i> (R.S.C., 1906, c. 95) and <i>An Act to amend the Chinese Immigration Act</i> (7-8 Edw. VII, c. 14, 1908) and Orders in Council based thereon; that the said Commissioner also investigate and report upon the results of the operation of the <i>Chinese Opium Act</i> (7-8 Edw. VII, c. 50, 1908), with special reference to any opium seizures that have taken place under the said <i>Act</i> and disposition thereof; and further that the Commissioner make such recommendations as he may deem expedient as to any further action or criminal prosecutions necessary in connection with his investigations.
Commissioner:	Dennis Murphy.
Records:	<p>Transcripts of hearings of the commission; and transcripts of hearings about allegations concerning Chinese merchants attempting to enter Canada on the <i>Empress of China</i>.</p> <p>Consult finding aid 33/146-149.</p>
Report:	Dated 1 May 1911. Tabled in the House of Commons on 21 July 1911. Sessional Paper No. 207, 1911. Not printed in the Sessional Papers. Printed as: <i>Report of Mr. Justice Murphy, Royal Commissioner appointed to investigate alleged Chinese frauds and opium smuggling on the Pacific Coast, 1910-1911</i> . Ottawa, Government Printing Bureau, 1913, 54 p.

Title: Commission of Inquiry Concerning Certain Matters Associated with the Westbank Indian Band, 1976-1987, 6.7 m (Vols. 1-33)

Background: In the 1970s, a number of developers entered into leases with the Westbank Indian Band for the development of mobile home parks (trailer parks) on Westbank Indian lands, near Kelowna, British Columbia.

Mr. Leonard Crosby of the Mobile Home Owners' Association and members of the Westbank Indian Band, who comprised the "Action Committee," made allegations about conflicts existing between the executive of the Band and park operators over the way in which rents for leases were determined.

Allegations were made that Ronald Derrickson, Chief of the Westbank Indian Band from 1976-1986, while serving as negotiator for the rent of the band's reserve lands, held a personal interest in some of the land involved. He also raised rents significantly and that brought complaints from several leasees. Furthermore, in 1982 Derrickson was assaulted at his home in Westbank. This incident, and the subsequent arrest and sentencing of the person responsible, received publicity and questions were raised about Derrickson's activities.

In addition, the Westbank Indian Band was a large depositor with the Northland Bank. The Band, and its development company, took out substantial loans with that institution. Chief Derrickson became a Director of the Northland Bank in 1984, but resigned in August 1985 just before its failure. At that time, several members of the band feared financial ruin due to the bank's collapse.

In 1986, some members of the Westbank Indian Band made allegations to the Minister of Indian Affairs and Northern Development of impropriety on the part of Chief Derrickson and members of the administration of the band. They claimed that the local office of Indian Affairs "was either supine or corrupt and could not be trusted to give an accurate version of affairs at Westbank." The department claimed it was being criticized unfairly and officials in it called for a public inquiry. Although there had already been a number of investigations on Westbank, they had failed to resolve the issue. As the Commissioner, Mr. John Hall, observed:

"it was felt that previous investigations had lacked sufficient powers of compelling document discovery and testimony to achieve the best results. It was felt that a full inquiry was needed to resolve the issues at Westbank, as well as to examine certain broader issues of Departmental policy and possible statutory change."

On 12 August 1986, therefore, a royal commission was established to investigate leases, financial transactions and the policy of the Department of Indian Affairs concerning the Westbank Indian Band especially during the period 1975-1986 (*The Report of the Commission of Inquiry Concerning Certain Matters Associated with the Westbank Indian Band* [Ottawa, Supply and Services Canada, 1988], pp. ix-xvii).

Hearings of the commission were held at Westbank and Vancouver from 12 November 1986 to 28 August 1987. The commission filed 222 exhibits.

Authority: Order in Council P.C. 1816, 12 August 1986, under Part I of the *Inquiries Act* (R.S.C., 1970, c. I-13) and on the recommendation of the Prime Minister; amended by Order in Council P.C. 1317 dated 25 June 1987; and Order in Council P.C. 164 dated 28 January 1988.

Terms of Reference: To inquire into and report upon:

(1) the manner in which the Department of Indian Affairs and Northern Development (DIAND), in headquarters and in the regional and district offices, has carried out its responsibilities and functions in relation to the Band and to lessees and residents on reserves of the Band from 1975 to the present, particularly in relation to:

- the financial arrangements and transactions including Indian moneys, with the Band;
- the use of Band lands by Band members, lessees and other residents;
- the review by the Department of all by-laws made by the Band.

to determine whether these responsibilities and functions were carried out in accordance with law, established policy and generally accepted standards of competence and fairness;

(2) the exercise of Band government from 1975 to the present, and in particular:

- whether there has been abuse of office by chiefs or councillors of the Band;
- whether there have been conflicts of interest on the part of chiefs or councillors of the Band and whether any conflict should or could have been avoided;
- consider the impacts of these practices, if any, on the members of the Band and on lessees and other residents of the Westbank Indian Band reserves.

- (3) the activities of lessees and residents of Westbank Indian Band reserves in relation to the Band, the Band Council and Band members, and in particular:
- whether these lessees and residents met their obligations to the Crown and to the Band;
 - whether the activities of these lessees and residents contributed to tensions and conflicts with the Band; and
- (4) to recommend any changes to the *Indian Act* relating to the management of lands, Indian moneys and by-laws, or to the policies or the procedures of DIAND in relation to the said matters, or any remedies to specific problems, that may seem appropriate having regard to the Government's established policy of supporting and strengthening Indian self-government on Indian lands.

Commissioner: John E. Hall.

Secretary: Maureen E. Cowin.

Records: Transcripts of hearings, exhibits, records relating to the Department of Indian Affairs, files on accounting matters of the Westbank Indian Band, investigation files, land records and related material.

Consult finding aid 33/147-150, parts 1 and 2.

Additional References: National Archives of Canada, Commission of Inquiry Concerning Certain Matters Associated with the Westbank Indian Band. Audio-visual records. Audiocassettes, briefing sessions conducted by the Department of Indian Affairs and Northern Development and proceedings of a meeting of the Commission of Inquiry with that department, 1986-1987, approx. 17 h, acc. no. 1990-0206.

National Archives of Canada, Commission of Inquiry Concerning Certain Matters Associated with the Westbank Indian Band. Cartographic and architectural records. RG 33, M147, acc. no. 9015, 34 maps, plans and drawings.

Report: Dated April 1988. Tabled in the House of Commons on 10 May 1988. Sessional Paper No. 332-4/56, 1986-1988. Printed as: *The Report of the Commission of Inquiry Concerning Certain Matters Associated with the Westbank Indian Band*. John E. Hall, Q.C., Commissioner, et. al., 1988 [Ottawa, Supply and Service Canada, 1988], xvii, 537 pp.

APPENDICES

APPENDICES

There are four appendices included in this work. Appendix I consists of a chronological list of series RG 33/1 to RG 33/147 arranged by date of appointment. The date indicated is the one specified in the Order in Council appointing each commission.

Appendix II consists of a copy of the *Inquiries Act* (R.S.C., 1985, c. I-11), the statutory authority under which federal commissions of inquiry are appointed. Part I of the *Inquiries Act*, subtitled "Public Inquiries," provides for the Governor in Council to appoint a commissioner or commissioners to inquire "into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof." The majority of commissions included in this inventory are appointed under Part I of the *Act*. Under Part II of the *Act*, the Governor in Council may appoint a commissioner or commissioners to conduct a departmental investigation.

Appendix III is an Order in Council setting out the terms of reference of a "Public Inquiry" appointed under Part I of the *Inquiries Act*. The Order in Council is the recommendation of the Governor in Council (the Cabinet) that a commission of inquiry be set up. It also names the commissioner or commissioners to be appointed and their terms of reference.

Appendix IV is an example of a commission issued by Letters Patent under the Great Seal of Canada appointing a commissioner to conduct a "public inquiry" pursuant to provisions of Part I of the *Inquiries Act*. The Great Seal of Canada is affixed to official documents to represent the power and authority emanating from the reigning sovereign to our parliamentary government. Any commission granted under this seal, therefore, is designated a "royal commission." In practise, federal royal commissions are appointed by the Governor General of Canada on the recommendation of the Governor in Council (the Cabinet).

APPENDIX I
CHRONOLOGICAL LIST OF FEDERAL ROYAL COMMISSIONS
(RG 33/1 TO RG 33/147)
ARRANGED BY DATE OF APPOINTMENT

1873 August 14	Canadian Pacific Railway (the "Pacific Scandal") [RG 33/1]
1875 June 16	Baie Verte Canal [RG 33/7]
1897 February 9	Stony Mountain Penitentiary, Manitoba [RG 33/2]
1898 October 7	Charges of Misconduct Against Officials in the Yukon Territory [RG 33/76]
1900 September 21	Chinese and Japanese Immigration to British Columbia [RG 33/145]
1903 March 6	Martineau Defalcation [RG 33/82]
1903 May 19	Transportation of Canadian Products through Canadian Ports [RG 33/3]
1903 May 27	Treadgold and Other Concessions in the Yukon Territory [RG 33/110]
1904 June 20	Immigration of Italian Labourers to Montreal [RG 33/99]
1906 February 28	Life Insurance [RG 33/4]
1906 July 19	Grain Trade [RG 33/5]
1907 May 8	Operation of the <i>Civil Service Act</i> [RG 33/77]
1907 August 31	Quebec Bridge [RG 33/6]
1910 November 12	Chinese Frauds and Opium Smuggling on the Pacific Coast [RG 33/146]
1911 December 21	Public Service [RG 33/83]
1912 April 10	Working of the Law Branch of the House of Commons [RG 33/114]
1912 November 9	Records of Public Departments [RG 33/11]
1912 November 27	Indian Lands and Indian Affairs Generally in the Province of British Columbia [RG 33/104]
1913 June 10	Claims of Certain Canadian Pelagic Sealers [RG 33/107]
1915 January 9	Drill Sheds, Province of Ontario [RG 33/8]
1916 April 3	Shell Committee Contracts [RG 33/61]
1916 July 13	Railways and Transportation [RG 33/12]
1917 April 16	Cost of News Print Paper [RG 33/53]
1919 January 2	The S.S. <i>Northland</i> Incident [RG 33/59]
1919 April 4	Industrial Relations in Canada [RG 33/95]
1919 May 20	Potentialities of Reindeer and Musk-Ox Industries in the Arctic [RG 33/105]
1919 August 23	Horse Race Meets and Betting [RG 33/55]
1920 December 27	Government Printing and Stationery Office [RG 33/98]
1923 August 14	Pulpwood [RG 33/13]
1926 April 7	Maritime Claims [RG 33/73]
1926 June 15	Toronto Harbour Commissioners [RG 33/54]
1926 July 20	Customs and Excise [RG 33/88]
1927 March 8	Reconveyance of Land to British Columbia [RG 33/109]
1927 June 30	Political Partisanship in the Department of Soldiers' Civil Re-establishment [RG 33/86]
1928 August 1	Natural Resources of Manitoba [RG 33/52]
1928 December 6	Radio Broadcasting [RG 33/14]
1929 April 15	Technical and Professional Services in the Public Service [RG 33/15]
1931 February 7	Naturalization [RG 33/100]
1931 November 20	Transportation [RG 33/16]
1932 August 4	Administration of the <i>Pension Act</i> [RG 33/74]
1933 July 31	Banking and Currency [RG 33/17]
1933 December 29	Natural Resources of Saskatchewan [RG 33/50]
1934 July 7	Price Spreads [RG 33/18]
1934 July 19	Natural Resources of Alberta [RG 33/51]

1934 September 14	Financial Arrangements Between the Dominion and the Maritime Provinces [RG 33/19]
1936 January 27	Textile Industry [RG 33/20]
1936 June 6	Anthracite Coal [RG 33/21]
1936 June 27	Grain [RG 33/22]
1937 August 14	Dominion-Provincial Relations [RG 33/23]
1938 September 7	Bren Machine Gun Contract [RG 33/66]
1941 March 24	Labour Dispute at the Windsor Plant of the Chrysler Corporation of Canada [RG 33/123]
1941 August 15	Disturbances at Arvida in July 1941 [RG 33/56]
1942 February 12	Dispatch of the Canadian Expeditionary Force to Hong Kong [RG 33/120]
1942 October 24	Japanese Black Dragon Society, Province of British Columbia [RG 33/60]
1943 October 14	Demands of the Coal Miners of Western Canada [RG 33/97]
1944 October 12	Coal [RG 33/63]
1944 November 13	Taxation of Annuities and Family Corporations [RG 33/24]
1944 November 16	Co-operatives [RG 33/25]
1945 April 10	Veterans' Qualifications [RG 33/68]
1945 April 13	Purchase of the Oliver Property, Township of Sandwich West, Province of Ontario, under the <i>Veterans' Land Act</i> [RG 33/67]
1945 May 10	Halifax Disorders, 7 and 8 May 1945 [RG 33/57]
1946 February 5	Espionage in Government Service ("the Gouzenko Affair") [RG 33/62]
1946 February 15	Administrative Classifications in the Public Service [RG 33/26]
1947 July 18	Disposal of Property of Japanese-Canadians [RG 33/69]
1947 December 4	Complaints by Walter H. Kirchner regarding Veterans' Pension and Treatment Services [RG 33/85]
1948 July 8	Prices [RG 33/58]
1948 December 29	Transportation [RG 33/27]
1949 April 8	National Development in the Arts, Letters and Sciences [RG 33/28]
1950 September 5	Lot Rentals in Banff and Jasper National Parks [RG 33/29]
1951 November 12	Staking of Crown Land in the Northwest Territories and the Yukon Territory [RG 33/30]
1954 March 2	Law of Insanity as a Defence in Criminal Cases [RG 33/130]
1954 March 25	Criminal Law Relating to Criminal Sexual Psychopaths [RG 33/131]
1954 April 29	Quartz and Placer Mining in the Yukon Territory [RG 33/31]
1954 June 10	Patents, Copyright, Trade Marks and Industrial Design [RG 33/32]
1954 October 20	Hurricane Damage, Humber River Valley, Province of Ontario [RG 33/33]
1955 March 1	Coasting Trade [RG 33/34]
1955 June 17	Canada's Economic Prospects [RG 33/35]
1955 December 2	Broadcasting [RG 33/36]
1957 January 17	Employment of Firemen on Diesel Locomotives [RG 33/37]
1957 February 21	Newfoundland Finances [RG 33/38]
1957 October 15	Energy [RG 33/39]
1957 December 10	Price Spreads of Food Products [RG 33/40]
1958 January 31	Distribution of Railway Box Cars [RG 33/70]
1959 May 13	Transportation [RG 33/49]
1959 June 4	Great Slave Lake Railway [RG 33/41]
1959 October 6	Coal [RG 33/42]
1960 January 28	Political Partisanship of Edmund Louis Paradis [RG 33/43]
1960 August 2	Automotive Industry [RG 33/45]
1960 September 6	Station CHEK-TV, Victoria, Province of British Columbia [RG 33/44]
1960 September 16	Government Organization [RG 33/46]
1960 September 16	Publications [RG 33/47]
1961 June 20	Health Services [RG 33/78]

1961 July 17	<i>Unemployment Insurance Act</i> [RG 33/48]
1961 October 18	Banking and Finance [RG 33/64]
1962 September 25	Taxation [RG 33/65]
1962 November 1	Pilotage [RG 33/94]
1963 July 19	Bilingualism and Biculturalism [RG 33/80]
1963 December 21	Dismissal of George Walker from the Prairie Farm Assistance Administration [RG 33/75]
1964 June 11	Future of Trans-Canada Air Lines Overhaul Base at Winnipeg International Airport [RG 33/87]
1964 October 8	Airplane Crash at Ste-Thérèse de Blainville, Quebec [RG 33/84]
1964 October 29	Marketing Problems of the Atlantic Salt Fish Industry [RG 33/81]
1964 November 25	Extradition of Lucien Rivard (the "Rivard Affair") [RG 33/93]
1965 July 9	Marketing Problems of the Freshwater Fish Industry [RG 33/79]
1965 September 1	Working Conditions in the Post Office Department [RG 33/90]
1966 January 19	Dealings of the Hon. Mr. Justice Leo A. Landreville with Northern Ontario Gas Limited [RG 33/92]
1966 March 14	Case involving Gerta Munsinger (the "Munsinger Case") [RG 33/96]
1966 May 26	Farm Machinery [RG 33/91]
1967 February 16	Status of Women in Canada [RG 33/89]
1969 May 29	Non-Medical Use of Drugs [RG 33/101]
1969 December 19	Indian Claims [RG 33/115]
1970 December 8	Foreign Claims [RG 33/141]
1973 August 10	Department of Manpower and Immigration, Montreal [RG 33/9]
1973 October 5	Airport Inquiry Commission [RG 33/103]
1974 April 25	Parliamentary Accommodation [RG 33/112]
1974 May 22	Steel Profits [RG 33/102]
1974 October 31	Public Complaints, Internal Discipline and Grievance Procedure within the RCMP [RG 33/71]
1975 January 6	Marketing of Beef [RG 33/72]
1975 April 18	Grain Handling and Transportation [RG 33/111]
1975 April 18	Costs of Transporting Grain by Rail [RG 33/124]
1975 April 22	Corporate Concentration [RG 33/113]
1975 April 25	Financial Matters of Air Canada [RG 33/10]
1975 November 20	Airplane Crash at Rea Point, Northwest Territories [RG 33/106]
1976 June 23	Bilingual Air Traffic Services in Quebec [RG 33/121]
1976 November 22	Financial Management and Accountability [RG 33/122]
1977 March 10	West Coast Oil Ports [RG 33/116]
1977 March 17	Elder Indians' Testimony [RG 33/108]
1977 March 24	Newfoundland Transportation [RG 33/119]
1977 July 5	Canadian Unity [RG 33/118]
1977 July 6	Certain Activities of the RCMP [RG 33/128]
1978 June 20	Canadian Automotive Industry [RG 33/117]
1979 May 25	Commercial Practices of the Canadian Dairy Commission [RG 33/127]
1979 December 4	Mississauga Railway Accident [RG 33/125]
1980 August 27	Conditions of Foreign Service [RG 33/129]
1980 September 3	Newspapers [RG 33/126]
1981 January 12	Pacific Fisheries Policy [RG 33/132]
1982 February 18	<i>Ocean Ranger</i> Marine Disaster [RG 33/136]
1982 November 5	Economic Union and Development Prospects for Canada [RG 33/137]
1983 June 24	Equality in Employment [RG 33/133]
1984 April 17	Pharmaceutical Industry [RG 33/135]
1984 May 10	Determination of Sentences [RG 33/142]
1984 May 31	Marketing Practices for the Potato Industry in Eastern Canada [RG 33/134]

1984 June 22	Seals and Sealing in Canada [RG 33/138]
1985 February 7	War Criminals [RG 33/144]
1985 July 4	Unemployment Insurance [RG 33/139]
1985 September 29	Collapse of the CCB [Canadian Commercial Bank] and Northland Bank [RG 33/140]
1986 February 10	Hinton Train Collison [RG 33/143]
1986 August 12	Westbank Indian Band [RG 33/147]

APPENDIX II
The *Inquiries Act* (R.S.C., 1985, c. I-11)



CHAPTER I-11

CHAPITRE I-11

An Act respecting public and departmental inquiries

Loi concernant les enquêtes relatives aux affaires publiques et aux ministères

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Inquiries Act*. R.S., c. I-13, s. 1.

1. *Loi sur les enquêtes*. S.R., ch. I-13, art. 1. Titre abrégé

PART I

PARTIE I

PUBLIC INQUIRIES

ENQUÊTES PUBLIQUES

Inquiry

2. The Governor in Council may, whenever the Governor in Council deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. I-13, s. 2.

2. Le gouverneur en conseil peut, s'il l'estime utile, faire procéder à une enquête sur toute question touchant le bon gouvernement du Canada ou la gestion des affaires publiques. S.R., ch. I-13, art. 2.

Ouverture d'enquête

Appointment of commissioners

3. Where an inquiry as described in section 2 is not regulated by any special law, the Governor in Council may, by a commission, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. I-13, s. 3.

3. Dans le cas d'une enquête qui n'est pas régie par des dispositions législatives particulières, le gouverneur en conseil peut, par commission, nommer les commissaires qui en sont chargés. S.R., ch. I-13, art. 3.

Nomination de commissaires

Powers of commissioners concerning evidence

4. The commissioners have the power of summoning before them any witnesses, and of requiring them to

4. Les commissaires ont le pouvoir d'assigner devant eux des témoins et de leur enjoindre de :

Audition de témoins

(a) give evidence, orally or in writing, and on oath or, if they are persons entitled to affirm in civil matters on solemn affirmation; and

a) déposer oralement ou par écrit sous la foi du serment, ou d'une affirmation solennelle si ceux-ci en ont le droit en matière civile;

(b) produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. I-13, s. 4.

b) produire les documents et autres pièces qu'ils jugent nécessaires en vue de procéder d'une manière approfondie à l'enquête dont ils sont chargés. S.R., ch. I-13, art. 4.

Idem, enforcement

5. The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. I-13, s. 5.

5. Les commissaires ont, pour contraindre les témoins à comparaître et à déposer, les pouvoirs d'une cour d'archives en matière civile. S.R., ch. I-13, art. 5.

Pouvoirs de contrainte

PART II

DEPARTMENTAL INVESTIGATIONS

Appointment of
commissioners

6. The minister presiding over any department of the Public Service may appoint, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report on the state and management of the business, or any part of the business, of the department, either in the inside or outside service thereof, and the conduct of any person in that service, so far as the same relates to the official duties of the person. R.S., c. I-13, s. 6.

Powers of
commissioners

7. For the purposes of an investigation under section 6, the commissioners

- (a) may enter into and remain within any public office or institution, and shall have access to every part thereof;
- (b) may examine all papers, documents, vouchers, records and books of every kind belonging to the public office or institution;
- (c) may summon before them any person and require the person to give evidence, orally or in writing, and on oath or, if the person is entitled to affirm in civil matters on solemn affirmation; and
- (d) may administer the oath or affirmation under paragraph (c). R.S., c. I-13, s. 7.

Subpoena or
summons

8. (1) The commissioners may, under their hands, issue a subpoena or other request or summons, requiring and commanding any person therein named

- (a) to appear at the time and place mentioned therein;
- (b) to testify to all matters within his knowledge relative to the subject-matter of an investigation; and
- (c) to bring and produce any document, book or paper that the person has in his possession or under his control relative to the subject-matter of the investigation.

Idem

(2) A person may be summoned from any part of Canada by virtue of a subpoena, request or summons issued under subsection (1).

Expenses

(3) Reasonable travel expenses shall be paid at the time of service of a subpoena, request or summons to any person summoned under subsection (1). R.S., c. I-13, s. 8.

Evidence taken
by commission

9. (1) In lieu of requiring the attendance of a person whose evidence is desired, the commis-

PARTIE II

ENQUÊTES MINISTÉRIELLES

Nomination de
commissaires

6. Le ministre chargé d'un ministère fédéral peut, avec l'autorisation du gouverneur en conseil, nommer un ou plusieurs commissaires pour faire enquête et rapport sur toute question touchant l'état et l'administration des affaires de son ministère, dans son service interne ou externe, et sur la conduite, en ce qui a trait à ses fonctions officielles, de toute personne y travaillant. S.R., ch. I-13, art. 6.

Pouvoirs

7. Pour les besoins de l'enquête, les commissaires peuvent :

- a) visiter tout bureau ou établissement public, avec droit d'accès dans tous les locaux;
- b) examiner tous papiers, documents, pièces justificatives, archives et registres appartenant à ce bureau ou établissement;
- c) assigner devant eux des témoins et les contraindre à déposer oralement ou par écrit sous la foi du serment, ou d'une affirmation solennelle si ceux-ci en ont le droit en matière civile;
- d) faire prêter serment ou recevoir une affirmation solennelle. S.R., ch. I-13, art. 7.

Convocation de
témoins

8. (1) Les commissaires peuvent convoquer des témoins, au moyen d'assignations ou d'autres formes de convocation signées de leur main leur enjoignant de :

- a) comparaître aux date, heure et lieu indiqués;
- b) témoigner sur tous faits connus d'eux se rapportant à l'enquête;
- c) produire tous documents, livres ou pièces, utiles à l'enquête, dont ils ont la possession ou la responsabilité.

Effet

(2) Toutes les formes de convocation visées au paragraphe (1) ont effet sur tout le territoire canadien.

Frais de
déplacement

(3) Toute personne assignée reçoit, au moment de la signification de la convocation, une indemnité pour les frais qu'entraînera son déplacement. S.R., ch. I-13, art. 8.

Commission
rogatoire

9. (1) S'ils le jugent à propos, les commissaires peuvent, au lieu de faire comparaître devant

sioners may, if they deem it advisable, issue a commission or other authority to any officer or person named therein, authorizing the officer or person to take the evidence and report it to the commissioners.

Powers for that purpose

(2) An officer or person authorized under subsection (1) shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to the officer or person by the commission, and, with regard to the taking of evidence, has the powers set out in subsection 8(1) and such other powers as a commissioner would have had if the evidence had been taken before a commissioner. R.S., c. I-13, s. 9.

Witnesses failing to attend, etc.

10. (1) Every person who

- (a) being required to attend in the manner provided in this Part, fails, without valid excuse, to attend accordingly,
- (b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same,
- (c) refuses to be sworn or to affirm, or
- (d) refuses to answer any proper question put to him by a commissioner, or other officer or person referred to in section 9,

is liable, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which that person resides, or in which the place is situated at which the person was required to attend, to a fine not exceeding four hundred dollars.

Justice of the peace

(2) For the purposes of this Part, a judge of a superior or county court referred to in subsection (1) shall be a justice of the peace. R.S., c. I-13, s. 10.

eux la ou les personnes dont ils souhaitent entendre le témoignage, commettre par commission rogatoire ou quelque autre forme de délégation le fonctionnaire désigné par celle-ci, ou toute autre personne expressément nommée, pour recueillir les dépositions et leur en faire rapport.

(2) Avant d'entreprendre l'enquête, la personne commise au titre du paragraphe (1) prête devant un juge de paix le serment d'exécuter fidèlement la mission qui lui est confiée. Elle est investie, pour recueillir les témoignages, des pouvoirs d'un commissaire, notamment de ceux qui sont énoncés au paragraphe 8(1). S.R., ch. I-13, art. 9.

Pouvoirs de la personne commise

10. (1) Encourt une amende maximale de quatre cents dollars, sur déclaration de culpabilité par procédure sommaire devant un magistrat de police, un magistrat stipendiaire, un juge de cour supérieure ou un juge de cour de comté ayant compétence dans le ressort soit de sa résidence, soit du lieu d'audition, quiconque :

Défaut de comparaître

- a) sans motifs légitimes, ne se présente pas bien qu'ayant été assigné à comparaître conformément à la présente partie;
- b) ne produit pas les documents, livres ou pièces en sa possession ou sous sa responsabilité qu'il a reçu l'ordre de produire;
- c) refuse de prêter serment ou de faire une affirmation solennelle;
- d) refuse de répondre aux questions régulières que lui pose un commissaire ou la personne commise à cet effet.

(2) Le juge de cour supérieure ou de cour de comté exerce, pour l'application de la présente partie, les attributions d'un juge de paix. S.R., ch. I-13, art. 10.

Juge de paix

PART III

GENERAL

Employment of counsel, experts and assistants

11. (1) The commissioners, whether appointed under Part I or under Part II, may, if authorized by the commission issued in the case, engage the services of

- (a) such accountants, engineers, technical advisers or other experts, clerks, reporters

PARTIE III

DISPOSITIONS GÉNÉRALES

11. (1) Les commissaires, qu'ils soient nommés sous le régime de la partie I ou de la partie II, peuvent, s'ils y sont autorisés par leur commission, retenir les services :

Assistance

- a) des experts — comptables, ingénieurs, conseillers techniques ou autres —, greffiers,

	and assistants as they deem necessary or advisable; and (b) counsel to aid and assist the commissioners in an inquiry.	rapporteurs et collaborateurs dont ils jugent le concours utile; b) d'avocats pour les assister dans leur enquête.	
Experts may take evidence and report	(2) The commissioners may authorize and depute any accountants, engineers, technical advisers or other experts, the services of whom are engaged under subsection (1), or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.	(2) Les commissaires peuvent — selon les modalités qu'ils fixent — déléguer aux experts qu'ils engagent ou à d'autres personnes qualifiées toute partie d'une enquête relevant de leur commission.	Délégation
Powers	(3) The persons deputed under subsection (2), when authorized by order in council, have the same powers as the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.	(3) La délégation confère, lorsqu'elle est autorisée par décret, les pouvoirs des commissaires en ce qui touche le recueil de témoignages, la délivrance des assignations, la contrainte à comparution et à déposition et, de façon générale, la conduite de l'enquête.	Pouvoirs des délégués
Report	(4) The persons deputed under subsection (2) shall report the evidence and their findings, if any, thereon to the commissioners. R.S., c. I-13, s. 11.	(4) Les délégués font rapport aux commissaires des témoignages recueillis ainsi que de leurs éventuelles conclusions sur la question étudiée. S.R., ch. I-13, art. 11.	Rapport
Parties may employ counsel	12. The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of an investigation, to be represented by counsel. R.S., c. I-13, s. 12.	12. Les commissaires peuvent autoriser la personne dont la conduite fait l'objet d'une enquête dans le cadre de la présente loi à se faire représenter par un avocat. Si, au cours de l'enquête, une accusation est portée contre cette personne, le recours à un avocat devient un droit pour celle-ci. S.R., ch. I-13, art. 12.	Assistance d'un avocat
Notice to persons charged	13. No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel. R.S., c. I-13, s. 13.	13. La rédaction d'un rapport défavorable ne saurait intervenir sans qu'auparavant la personne incriminée ait été informée par un préavis suffisant de la faute qui lui est imputée et qu'elle ait eu la possibilité de se faire entendre en personne ou par le ministère d'un avocat. S.R., ch. I-13, art. 13.	Préavis

PART IV

INTERNATIONAL COMMISSIONS AND TRIBUNALS

Authority to confer powers on	14. (1) The Governor in Council may, whenever the Governor in Council deems it expedient, confer on an international commission or tribunal all or any of the powers conferred on commissioners under Part I.	14. (1) Le gouverneur en conseil peut, s'il l'estime utile, investir une commission ou un tribunal internationaux de tout ou partie des pouvoirs conférés aux commissaires par la partie I.	Attribution de pouvoirs d'enquête
Exercise of powers in Canada	(2) The powers conferred on an international commission or tribunal pursuant to subsection (1) may be exercised by the commission or tribunal in Canada, subject to such limitations and restrictions as the Governor in Council	(2) La commission ou le tribunal internationaux peuvent, dans le cadre de leur compétence et sous réserve des éventuelles restrictions imposées par le gouverneur en conseil, exercer au Canada les pouvoirs qui leur sont attribués	Exercice des pouvoirs au Canada

may impose, in respect of all matters that are au titre du paragraphe (1). S.R., ch. I-13,
within the jurisdiction of the commission or art. 14.
tribunal. R.S., c. I-13, s. 14.

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P.C. 1977-1911



CANADA

PRIVY COUNCIL • CONSEIL PRIVÉ 11

A-12 - 2 PC 3072
A-13 - 1 PC
A-14 - 1 PC
Refer to PC 31184, 1-5-70
B-1 - 1 PC E

IVE O

WHEREAS it has been established that certain persons who were members of the R.C.M.P. at the time did on or about October 7, 1972, take part jointly with persons who were then members of la Sûreté du Québec and la Police de Montréal in the entry of premises located at 3459 St. Hubert Street, Montreal, in the search of those premises for property contained therein, and in the removal of documents from those premises, without lawful authority to do so;

WHEREAS allegations have recently been made that certain persons who were members of the R.C.M.P. at the time may have been involved on other occasions in investigative actions or other activities that were not authorized or provided for by law;

WHEREAS, after having made inquiries into these allegations at the instance of the Government, the Commissioner of the R.C.M.P. now advises that there are indications that certain persons who were members of the R.C.M.P. may indeed have been involved in investigative actions or other activities that were not authorized or provided for by law, and that as a consequence, the Commissioner believes that in the circumstances it would be in the best interests of the R.C.M.P. that a Commission of Inquiry be set up to look into the operations and policies of the Security Service on a national basis;

WHEREAS public support of the R.C.M.P. in the discharge of its responsibility to protect the security of Canada is dependent on trust in the policies and procedures governing its activities;

...2

- 2 -

AND WHEREAS the maintenance of that trust requires that full inquiry be made into the extent and prevalence of investigative practices or other activities involving members of the Royal Canadian Mounted Police that are not authorized or provided for by law.

THEREFORE, the Committee of the Privy Council, on the recommendation of the Prime Minister, advise that, pursuant to the Inquiries Act, a Commission do issue under the Great Seal of Canada, appointing

Mr. Justice David C. McDonald of Edmonton, Alberta

Mr. Donald S. Rickerd of Toronto, Ontario

Mr. Guy Gilbert of Montreal, Quebec

to be Commissioners under Part I of the Inquiries Act:

- (a) to conduct such investigations as in the opinion of the Commissioners are necessary to determine the extent and prevalence of investigative practices or other activities involving members of the R.C.M.P. that are not authorized or provided for by law and, in this regard, to inquire into the relevant policies and procedures that govern the activities of the R.C.M.P. in the discharge of its responsibility to protect the security of Canada;
- (b) to report the facts relating to any investigative action or other activity involving persons who were members of the R.C.M.P. that was not authorized or provided for by law as may be established before the Commission, and to advise as to any further action that the Commissioners may deem necessary and desirable in the public interest; and
- (c) to advise and make such report as the Commissioners deem necessary and desirable in the interest of Canada, regarding the policies and procedures governing the activities of the R.C.M.P. in the discharge of its responsibility to protect the security of Canada, the means to implement such policies and procedures, as well as the adequacy of the laws of Canada as they apply to such policies and procedures, having regard to the needs of the security of Canada.

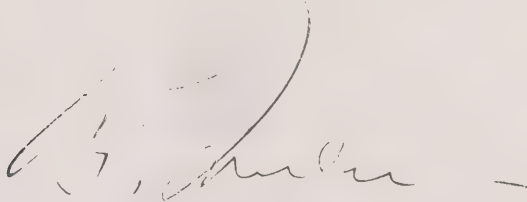
...3

The Committee further advise that the Commissioners:

1. be authorized to adopt such procedures and methods as the Commissioners may from time to time deem expedient for the proper conduct of the inquiry;
2. be directed that the proceedings of the inquiry be held in camera in all matters relating to national security and in all other matters where the Commissioners deem it desirable in the public interest or in the interest of the privacy of individuals involved in specific cases which may be examined:
3. be directed, in making their report, to consider and take all steps necessary to preserve
 - (a) the secrecy of sources of security information within Canada; and
 - (b) the security of information provided to Canada in confidence by other nations;
4. be authorized to sit at such time and at such places as they may decide from time to time, to have complete access to personnel and information available in the Royal Canadian Mounted Police and to be provided with adequate working accommodation and clerical assistance;
5. be authorized to engage the services of such staff and technical advisers as they deem necessary or advisable and also the services of counsel to aid them and assist in their inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board;
6. be directed to follow established security procedures with regard to their staff and technical advisers and the handling of classified information at all stages of the inquiry;
7. be authorized to exercise all the powers conferred upon them by section 11 of the Inquiries Act; and
8. be directed to report to the Governor in Council with all reasonable dispatch and file with the Privy Council Office their papers and records as soon as reasonably may be after the conclusion of the inquiry.

...4

The Committee further advise that, pursuant to section 37 of the Judges Act, His Honour Mr. Justice McDonald be authorized to act as Commissioner for the purposes of the said Commission and that Mr. Justice McDonald be the Chairman of the Commission.

A handwritten signature in dark ink, appearing to read 'Wilfrid Jackson', followed by a horizontal line.

Approved/Approuvé
6 July/juillet 1977

A handwritten signature in dark ink, appearing to read 'Wilfrid Jackson'.

Deputy Governor General

APPENDIX IV
Example of a commission issued by Letters Patent
under the Great Seal of Canada
appointing a commissioner to a "Public Inquiry"



Ed. Schreyer

Canada

ELIZABETH THE SECOND, by the Grace of
God of the United Kingdom, Canada and Her
other Realms and Territories QUEEN, Head
of the Commonwealth, Defender of the Faith.

[Signature]

DEPUTY ATTORNEY GENERAL.



TO ALL TO WHOM these Presents shall come or
whom the same may in anyway concern,

GREETING:

WHEREAS pursuant to the provisions of Part I
of the Inquiries Act, chapter I-13 of the Revised
Statutes of Canada, 1970, His Excellency the Governor
General in Council, by Order in Council P.C. 1980-2343
of the third day of September in the year of Our Lord
one thousand nine hundred and eighty, a copy of which
is annexed, has authorized the appointment of Our
Commissioner therein and hereinafter named to inquire
generally into the daily newspaper industry in Canada,
specifically into the concentration of the ownership
and control of the industry and into the recent closing
of newspapers, and, without limiting the general scope
of the inquiry, to examine and report on:

- (a) the degree to which the present situation
in the newspaper industry has affected or
might affect fulfilment of the newspaper
industry's responsibilities to the public;
- (b) the consequences of the elimination of
daily newspapers for individual citizens
and community life in those cities where
a newspaper has been eliminated in recent
years;

the consequence of the present situation
in the newspaper industry for the political,
economic, social and intellectual vitality
and cohesion of the nation as a whole;

such measures as might be warranted to
remedy any matter that the Commission
considers should be remedied as a result
of the concentration of the ownership and
control of the industry and the recent
closing of newspapers.

NOW KNOW YOU that, by and with the advice of
Our Privy Council for Canada, We do by these Presents
nominate, constitute and appoint Thomas Worrall Kent,
Esquire, of Mabou, in the Province of Nova Scotia, to
be Our Commissioner to conduct such inquiry.

TO HAVE, HOLD, exercise and enjoy the said
office, place and trust unto the said Thomas Worrall
Kent, together with the rights, powers, privileges
and emoluments unto the said office, place and trust
of right and by law appertaining during Our Pleasure.

AND WE DO HEREBY authorize Our said Commission
to adopt such procedures and methods as it may from
time to time deem expedient for the proper conduct of
the inquiry and sit at such times and in such places
in Canada as it may decide from time to time.

AND WE DO FURTHER authorize Our said Commission to engage the services of such counsel, staff, clerks and technical advisers as it considers necessary or advisable at such rates of remuneration and reimbursement as may be approved by the Treasury Board.

AND WE DO HEREBY require Our said Commission to report to the Governor in Council not later than July 1st, 1981.

AND WE DO FURTHER require Our said Commission to file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry.

AND WE DO FURTHER require that the officers and employees of the departments and agencies of the Government of Canada render such assistance to the Commission as it may require for the inquiry.

AND WE DO HEREBY designate the said Thomas Worrall Kent to be the Chairman of the Commission.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

Our Right Trusty and Well-beloved Edward
Richard Schreyer, Chancellor and Principal

Companion of Our Order of Canada, Chancellor
and Commander of Our Order of Military Merit
upon whom We have conferred Our Canadian
Forces' Decoration, Governor General and
Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa,
this seventeenth day of October in the year of Our Lord
one thousand nine hundred and eighty and in the
twenty-ninth year of Our Reign.

BY COMMAND,



DEPUTY REGISTRAR GENERAL OF CANADA

INDEXES

INDEXES

Nominal and subject indexes covering all inventory entries of federal royal commissions in Volume 1 (RG 33/1 to RG 33/75) and Volume 2 (RG 33/76 to RG 33/147) are included in this volume. In most cases, there are two references following each entry in the index, the first indicates the record group and the series number of a particular commission; the second the page number where the description of a particular royal commission series begins. A typical reference in the index is as follows: RG 33/14, 40.

The nominal index is to chairpersons, commissioners and executive secretaries or directors of commissions which are included in both volumes of this inventory.

The subject index refers to the following: the principal subjects (in bold print) of the titles of all commissions in the text and the main subjects and names mentioned in the Background, Authority and Terms of Reference for each one. The subject index does not normally include the names of commissioners except in cases where a commission is known by the name of the chairperson or presiding commissioner. For example, the Royal Commission on National Development in the Arts, Letters and Sciences is also indexed under "Massey Commission."

If a particular commission makes reference to another commission, the abridged title of it appears in the index followed in brackets by its series number. After that, reference is given to the series number and the page number of the commission to which it refers. For example, the inventory entry to the Royal Commission on Economic Union and Development Prospects for Canada (RG 33/137), which makes reference to the Commission of Inquiry on Unemployment Insurance (RG 33/139), is indexed as follows: Economic Union and Development Prospects for Canada (RG 33/137) RG 33/139, 356.

If you do not find the name or subject you want in the index, you should not assume that it is not in our holdings. Many of the collections are large and diverse and the index entries can do little more than suggest the nature of their contents.

NAME INDEX TO CHAIRPERSONS, COMMISSIONERS AND EXECUTIVE SECRETARIES OR DIRECTORS

-A-

Abbott, Douglas Charles RG 33/112, 279
Abell, A. Sinclair RG 33/38, 89
Abella, Rosalie Silberman RG 33/133, 336
Acworth, William Mitchell RG 33/12, 36
Addis, Charles Stewart RG 33/17, 46
Aird, John RG 33/14, 40
Allen, Kenneth Radway RG 33/138, 353
Allen, Mary Ann RG 33/134, 339
Allison, Carlyle RG 33/44, 101
Anderson, F.W. RG 33/49, 112
Anderson-Thompson, John RG 33/41, 96
Angus, Henry Forbes RG 33/23, 60; RG 33/27, 68
Anscomb, Herbert RG 33/49, 112
Anstie, William A. RG 33/13, 38
Archambault, J.R. Omer RG 33/142, 369
Arnason, B.N. RG 33/25, 64
Ashdown, James Henry RG 33/3, 18
Ashfield, Albert Henry Stanley RG 33/16, 44
Audet, Francis Joseph RG 33/11, 34
Audette, Louis Arthur RG 33/74, 177; RG 33/107, 268
Aylward, Fintan J. RG 33/136, 344

-B-

Balch, Archibald H. RG 33/49, 112
Baltzan, David M. RG 33/78, 186
Barber, Clarence Lyle RG 33/91, 223; RG 33/137, 349
Barber, Lloyd I. RG 33/108, 270; RG 33/115, 285
Baribeau, Jean-Louis RG 33/18, 48
Barrow, F.L. RG 33/85, 207
Barsh, Russel Lawrence RG 33/138, 353
Bayless, B.M. RG 33/55, 127
Bazin, Phillipe J. RG 33/77, 183
Beatty, Edward Wentworth RG 33/15, 42
Beaubien, Claude P. RG 33/47, 107
Beaudoin, Gérald RG 33/118, 294
Beauvais, A. Emile RG 33/65, 151
Bedard, Roger W. RG 33/79, 189; RG 33/81, 197
Bégin, Monique RG 33/89, 217
Bélanger, Marcel RG 33/34, 81
Belcourt, Paul RG 33/66, 153
Bell, Benjamin Taylor A. RG 33/110, 273
Bell, Charles Napier RG 33/3, 18
Bell, Richard Albert RG 33/112, 279
Bell, Thomas RG 33/18, 48
Bengough, Thomas RG 33/95, 236
Bennett, Gordon L. RG 33/65, 151
Bennett, Roy F. RG 33/139, 356
Benoit, J.J. Pierre RG 33/96, 238
Bergeron, J.G.H. RG 33/104, 260
Bernier, Yves RG 33/94, 232
Bertram, John RG 33/3, 18
Bertrand, Marie-Andrée RG 33/101, 250
Bigelow, Henry Veeder RG 33/50, 115
Bird, Florence Bayard RG 33/89, 217
Bird, Henry Irvine RG 33/69, 161
Bisson, Claude RG 33/142, 369

Bladen, Vincent Wheeler RG 33/45, 102
Blair, William Gourlay RG 33/85, 207
Bois, Henri C. RG 33/58, 134
Bond, William Langley RG 33/56, 129
Borden, Henry RG 33/39, 91
Boulanger, Joseph-Oscar Lefebvre RG 33/18, 48
Bourne, Robin P. RG 33/71, 169
Bourque, Serge RG 33/113, 281
Bovey, Wilfred RG 33/68, 158
Bowman, Charles Arthur RG 33/14, 40
Bowman, Charles Martin RG 33/52, 120
Bracken, John RG 33/70, 166
Braun, Frederick RG 33/7, 26
Brennan, William J. RG 33/9, 30
Breton, Albert A. RG 33/137, 349
Britnell, George Edwin RG 33/39, 91
Britton, Byron Moffatt RG 33/110, 273
Brodie, D.M. RG 33/67, 156
Brown, Frederick RG 33/101, 250
Brown, James Thomas RG 33/88, 214
Brown, Joseph F. RG 33/44, 101
Brown, J.N.E. RG 33/76, 181
Brown, William Thomas RG 33/64, 148
Brownlee, John Edward RG 33/17, 46
Bruce, John W. RG 33/95, 236
Bryan, C. Michael RG 33/101, 250
Bryce, Robert Broughton RG 33/113, 281
Buchanan, W.W. RG 33/32, 77
Buck, W. Keith RG 33/42, 98
Burgess, A.L. RG 33/21, 55
Burn, George RG 33/82, 200

-C-

Cameron, John Charles Alexander RG 33/60, 137
Campbell, Ian Lachlan RG 33/101, 250
Campbell, J.C. RG 33/105, 264
Campbell, Thane Alexander RG 33/141, 363
Campbell, W. Kenneth RG 33/62, 142; RG 33/120, 301
Cantwell-Peters, Mary Angela RG 33/137, 349
Carey, W.A. RG 33/91, 223
Carmichael, Saumarez RG 33/104, 260
Caron, H. Marcel RG 33/122, 307
Carroll, William F. RG 33/63, 146
Carswell, John Ballantyne RG 33/33, 79
Carter, Francis G. RG 33/134, 339
Carter, Kenneth LeMesurier RG 33/65, 151
Cashin, Richard RG 33/118, 294
Casselman-Wadds, Jean RG 33/137, 349
Challies, George Swan RG 33/84, 204
Chaput-Rolland, Solange RG 33/118, 294
Chartrand, Albert J.C. RG 33/142, 369
Chouinard, Julien Honoré RG 33/121, 303
Christie, Kenneth J. RG 33/30, 75
Clermont, Gaston RG 33/112, 279
Cleveland, J. Harrison RG 33/141, 363
Clute, Roger Conger RG 33/145, 379
Cole, George Edwards RG 33/31, 76

Corbin, Eymard-Georges RG 33/112, 279
 Cormier, Clément RG 33/80, 191
 Courtney, John Mortimer RG 33/77, 183; RG 33/82, 200
 Couvrette, Bernard RG 33/40, 94
 Cowan, Robert H. RG 33/111, 276
 Cowin, Maureen E. RG 33/147, 383
 Crerar, Thomas Alexander RG 33/52, 120
 Crevier, Etienne RG 33/48, 109
 Culpán, Lois RG 33/91, 223
 Curtis, Clifford Austin RG 33/58, 134
 Cushing, Gordon G. RG 33/39, 91

-D-

Dafoe, John Wesley RG 33/23, 60
 Danby, E. Richard RG 33/132, 333
 Davis, Henry Hague RG 33/66, 153
 Dawson, John A. RG 33/40, 94
 Day, Archibald A. RG 33/28, 70
 Day, Charles Dewey RG 33/1, 15
 Deane, Francis J. RG 33/145, 379
 Denton, James Herbert RG 33/54, 125
 Deschatelets, Jean-Paul RG 33/112, 279
 Deschênes, Jules RG 33/144, 376
 Després, Robert RG 33/122, 307
 Desrochers, Gustave RG 33/130, 329; RG 33/131, 331
 Deutsch, John James RG 33/26, 66; RG 33/38, 89;
 RG 33/48, 109
 Dick, Paul Wyatt RG 33/112, 279
 Dickerson, Robert W.V. RG 33/113, 281
 Dickson, R. Noel RG 33/130, 329; RG 33/131, 331
 Docquier, E. Gérard RG 33/137, 349
 Dompierre, Marcel A.J. RG 33/127, 319
 Doob, Anthony N. RG 33/142, 369
 Dorion, Frédéric RG 33/93, 230
 Doucet, Gerald W. RG 33/72, 171
 Doughty, Arthur George RG 33/11, 34
 Dowdeswell, Elizabeth RG 33/139, 356
 Drayton, Henry Lumley RG 33/12, 36
 Drummond, William Malcolm RG 33/40, 94
 Ducharme, Guillaume Narcisse RG 33/83, 202
 Duff, Lyman Poore RG 33/16, 44; RG 33/61, 139;
 RG 33/120, 301
 Duncan, Andrew Rae RG 33/73, 174
 Dunton, Arnold Davidson RG 33/80, 191
 Dupuis, Hector RG 33/68, 158
 Dysart, Andrew Knox RG 33/50, 115; RG 33/51, 117

-E-

Eastman, Harry C. RG 33/135, 341
 Edwards, Alexander McKay RG 33/18, 48
 Elliott, G.A. RG 33/25, 64
 Estey, Willard Zebedee RG 33/10, 32; RG 33/102, 254;
 RG 33/140, 360
 Evans, John RG 33/118, 294

-F-

Factor, Samuel RG 33/18, 48
 Falardeau, Adrien RG 33/56, 129
 Faux, Audrey RG 33/103, 256
 Favreau, Guy RG 33/32, 77
 Finlayson, Ernest Herbert RG 33/13, 38
 Finn, Donovan B. RG 33/81, 197

Firestone, O. John RG 33/78, 186
 Flavell, Joseph Wesley RG 33/16, 44
 Foisy, René Paul RG 33/143, 373
 Foley, Christopher RG 33/145, 379
 Forbes, Reginald E. RG 33/111, 276
 Forget, Claude E. RG 33/139, 356
 Forsey, Eugene Alfred RG 33/44, 101
 Fortington, A.E. RG 33/68, 158
 Fowler, Robert MacLaren RG 33/36, 85
 Francis, Anne, see Florence Bayard Bird
 Fraser, Douglas N. RG 33/37, 87
 Freeman, Gena RG 33/117, 291
 Frigon, Augustin RG 33/14, 40
 Frith, Royce RG 33/80, 191
 Fry, Edward Carey RG 33/3, 18
 Furlong, William H. RG 33/123, 311
 Furst, Jan RG 33/136, 344
 Fyshe, Thomas RG 33/77, 183

-G-

Gagnon, Jean-Louis RG 33/80, 191
 Gainer, W.D. RG 33/41, 96
 Galbraith, John RG 33/6, 24
 Gardiner, Thomas G. RG 33/26, 66
 Garneau, John George RG 33/15, 42; RG 33/77, 183
 Geistdoerfer, Patrick A. RG 33/138, 353
 Gibbons, C.H. RG 33/104, 260
 Gibson, Hugh F. RG 33/103, 256; RG 33/127, 319
 Gibson, James Douglas RG 33/64, 148
 Gilbert, Guy RG 33/128, 322
 Gilbert, John RG 33/112, 279
 Gill, Ernest Clark RG 33/48, 109
 Girard, Alice RG 33/78, 186
 Glassco, John Grant RG 33/46, 104
 Gobeil, René RG 33/49, 112
 Godsoe, J. Gérard RG 33/137, 349
 Goldie, George E. RG 33/5, 22
 Gordon, Donald, Jr. RG 33/89, 217
 Gordon, Walter Lockhart RG 33/26, 66; RG 33/35, 83
 Gowan, James Robert RG 33/1, 15
 Grange, Samuel G.M. RG 33/125, 315
 Grant, Donald G. RG 33/65, 151
 Grauer, Albert Edward RG 33/35, 83
 Grenier, R.J. RG 33/46, 104
 Grenville, David M. RG 33/136, 344
 Griffin, A.G.S. RG 33/58, 134
 Grindley, Thomas William RG 33/22, 57
 Gulland, John A. RG 33/138, 353
 Gushue, Raymond RG 33/35, 83
 Gwyn, Nicholas RG 33/126, 317

-H-

Hall, Emmett Matthew RG 33/78, 186; RG 33/111, 276
 Hall, John E. RG 33/147, 383
 Hamilton, Horace RG 33/26, 66
 Hamilton, William M. RG 33/137, 349
 Hampson, Harold Anthony RG 33/64, 148
 Hardman, John Ernest RG 33/110, 273
 Hardy, Robert Macdonald RG 33/39, 91
 Harkin, James Bernard RG 33/105, 264
 Harries, Hu RG 33/72, 171
 Harris, Joseph RG 33/130, 329

Harrison, Charles RG 33/95, 236
 Harrison, Frederick Ernest RG 33/97, 241
 Harrold, Gordon L. RG 33/64, 148
 Hayes, Frederick C. RG 33/142, 369
 Heald, Darrel Verner RG 33/121, 303
 Henripin, Jacques RG 33/89, 217
 Henry, Nicol RG 33/93, 230
 Herwig, J.C.G. RG 33/68, 158
 Hickman, T. Alexander RG 33/136, 344
 Hodgetts, John Edwin RG 33/122, 307
 Hodgins, Frank Egerton RG 33/59, 136
 Hogg, William Drummond RG 33/114, 284
 Holgate, Henry RG 33/6, 24
 Howard, J.S. RG 33/128, 322
 Howe, Thomas S. RG 33/77, 183
 Howland, Robert Dudley RG 33/39, 91; RG 33/63, 146
 Howland, William Pearce RG 33/7, 26
 Huggins, W.H. RG 33/107, 268
 Hughes, James R. RG 33/143, 373
 Humphrey, John P. RG 33/89, 217
 Humphrys, Richard RG 33/48, 109
 Hunter, Alfred T aylour RG 33/86, 209
 Hunter, G.R. RG 33/27, 68
 Hyndman, L.D. RG 33/97, 241

-I-

Ilsley, James Lorimer RG 33/18, 48; RG 33/32, 77
 Innis, Harold Adams RG 33/27, 68
 Ives, William Carlos RG 33/24, 62

-J-

Jack, Peter RG 33/7, 26
 Jaroslav, Bohdan Rudnyckyj RG 33/80, 191
 Jarvis, Ernest Frederick RG 33/11, 34
 Jerome, James Alexander RG 33/112, 279
 Johnson, H.R. RG 33/128, 322
 Johnston, John George RG 33/47, 107
 Jones, Murray V. RG 33/103, 256
 Jones, Robert Orville RG 33/130, 329

-K-

Kellock, Roy Lindsay RG 33/37, 87; RG 33/57, 131;
 RG 33/62, 142
 Kelman, John RG 33/74, 177
 Kennedy, Donald MacBeth RG 33/18, 48
 Kennedy, Harold RG 33/3, 18
 Kennedy, Wendy A. RG 33/135, 341
 Kennedy, William Walker RG 33/18, 48
 Kent, Ambrose Leonard RG 33/4, 20; RG 33/82, 200
 Kent, Thomas Worrall RG 33/126, 317
 Kerr, Apollos Bamber RG 33/13, 38
 Kerry, John George Gale RG 33/6, 24
 Kesten, H. Jory RG 33/10, 32
 Kidd, Cleve RG 33/40, 94
 Kinnear, Helen RG 33/130, 329; RG 33/131, 331
 Kovitz, Muriel RG 33/118, 294

-L-

L'Heureux-Dubé, Claire RG 33/9, 30
 Lacombe, G.A. RG 33/110, 273
 Lacoste, Paul RG 33/80, 191
 Ladner, Leon Johnson RG 33/39, 91

Lafrance, N. RG 33/78, 186
 Laidlaw, A.M. RG 33/32, 77
 Laidlaw, T.W. RG 33/97, 241
 Laing, Gertrude M. RG 33/80, 191
 Lake, Richard Stuart RG 33/83, 202
 Lambert, Allen Thomas RG 33/122, 307
 Lambert, Marcel RG 33/112, 279
 Langdon, E.J. RG 33/142, 369
 Lange, Lola M. RG 33/89, 217
 Langford, James A. RG 33/112, 279
 Langmuir, John Woodburn RG 33/4, 20
 Lapointe, Jeanne RG 33/89, 217
 Laprise, Gérard RG 33/112, 279
 Laurendeau, André RG 33/80, 191
 Lawrence, Joseph Wilson RG 33/7, 26
 Le Dain, Gérald RG 33/101, 250
 Leduc, P. D'Auteuil RG 33/88, 214
 Lefebvre, Thomas-Henri RG 33/112, 279
 Lefebvre Boulanger, Joseph-Oscar RG 33/18, 48
 Lehmann, Heinz E. RG 33/101, 250
 Lehr, Reinhold RG 33/111, 276
 Leith, J. Elizabeth RG 33/45, 102
 Leman, Beaudry RG 33/16, 44; RG 33/17, 46
 Leman, Paul H. RG 33/64, 148
 Lemieux, François Xavier RG 33/88, 214
 LePan, Douglas Valentine RG 33/35, 83
 Létourneau, Séverin RG 33/56, 129
 Lévesque, Georges Henri RG 33/28, 70
 Lévesque, J. Louis RG 33/39, 91
 Lewis, Lori M. RG 33/116, 288
 Logan, Karen D. RG 33/144, 376
 Loree, Leonor Fresnel RG 33/16, 44
 Lussier, André RG 33/101, 250
 Lussier, Omer RG 33/35, 83
 Lyons, D.S. RG 33/68, 161

-M-

McAllister, Robert Ian RG 33/138, 353
 McCann, James Joseph RG 33/85, 207
 McCutcheon, Malcolm Wallace RG 33/78, 186
 McDonagh, Frank G.J. RG 33/74, 177
 McDonald, David C. RG 33/128, 322
 Macdonald, Donald Stovel RG 33/137, 349
 McDonald, George C. RG 33/50, 115; RG 33/51, 117
 McDonald, H.F. RG 33/74, 177
 MacDonald, Thomas D. RG 33/141, 363
 McDonough, J.M. RG 33/111, 276
 McDougall, Errol Malcolm William RG 33/25, 64
 McDougall, Pamela A. RG 33/129, 326
 Macdowell, Day Hort RG 33/104, 260
 McGarry, Moses Elijah RG 33/85, 207
 MacGibbon, Duncan Alexander RG 33/24, 62
 MacGill, Elsie Gregory RG 33/89, 217
 McIlraith, George James RG 33/112, 279
 Mclvor, George H. RG 33/79, 189
 MacKay, Robert Alexander RG 33/23, 60
 MacKeen, John Crerar RG 33/64, 148
 McKenna, James Andrew Joseph RG 33/104, 260
 Mackenzie, Maxwell Weir RG 33/24, 62; RG 33/72, 171
 Mackenzie, Norman Archibald MacRae RG 33/28, 70
 MacKichan, Howard RG 33/40, 94
 Mackintosh, William Archibald RG 33/64, 148

McLaurin, Colin Campbell RG 33/37, 87; RG 33/63, 146
 McLean, James Stanley RG 33/105, 264
 McLellan, Robert W. RG 33/13, 38
 McLeod, G. Gordon RG 33/34, 81
 Macmillan, Cyrus RG 33/73, 174
 Macmillan, Hugh Pattison RG 33/17, 46
 McNair, John Babbitt RG 33/38, 89
 McNair, William L. RG 33/5, 22
 MacPherson, Murdock Alexander RG 33/49, 112
 McRuer, James Chalmers RG 33/130, 329; RG 33/131, 331
 McTague, Charles P. RG 33/49, 112
 MacTavish, Duncan Byron RG 33/4, 20
 Malouf, Albert H. RG 33/138, 353
 Mann, Howard RG 33/49, 112
 Manning, Marshall E. RG 33/41, 96
 Manson, Donald RG 33/14, 40
 Marchand, Jean RG 33/80, 191
 Marin, René J. RG 33/71, 169
 Marks, Ross RG 33/118, 294
 Marshall, Leslie M. RG 33/44, 101
 Martin, Roméo RG 33/40, 94
 Martin, William Melville RG 33/109, 271
 Martineau, Jean RG 33/37, 87
 Massey, Vincent RG 33/28, 70
 Master, Oliver RG 33/50, 115; RG 33/51, 117; RG 33/52, 120
 Mather, Barry RG 33/112, 279
 Mathers, Thomas Graham RG 33/95, 236
 Mathieson, John Alexander RG 33/19, 51
 Mercure, Gilles RG 33/64, 148
 Meredith, William Ralph RG 33/61, 139
 Messer, John R. RG 33/137, 349
 Michon, J.A. RG 33/24, 62
 Millar, John RG 33/5, 22
 Millar, Ross RG 33/74, 177
 Millar, Thomas B. RG 33/125, 315
 Milne, S.M. RG 33/65, 151
 Moffat, Robert E. RG 33/87, 211
 Montpetit, André RG 33/90, 221
 Moore, James J. RG 33/101, 250
 Moore, Thomas RG 33/95, 236
 Morgan, Moses O. RG 33/136, 344; RG 33/139, 356
 Morine, Alfred Bishop RG 33/83, 202
 Morrison, Angus J. RG 33/63, 146
 Morrison, Neil M. RG 33/80, 191
 Moxon, Arthur RG 33/16, 44
 Munn, Daniel James RG 33/145, 379
 Munro, John J. RG 33/139, 356
 Murphy, Dennis RG 33/146, 381
 Murray, Walter Charles RG 33/15, 42; RG 33/16, 44
 Myers, Richard RG 33/74, 177

-N-

Nadeau, Gilbert W. RG 33/94, 232
 Nadeau, Jean-Marie RG 33/25, 64
 Nadeau, Pierre A. RG 33/113, 281
 Neatby, Hilda RG 33/28, 70
 Nesbitt, Edward Walter RG 33/19, 51
 Nield, E. RG 33/5, 22
 Nystrom, Lorne Edmund RG 33/112, 279

-O-

O'Connor, G.B. RG 33/97, 241
 O'Leary, Michael Grattan RG 33/47, 107; RG 33/112, 279
 O'Reilly, Ada RG 33/119, 297
 Ogilvie, Doris RG 33/89, 217
 Ogilvie, William RG 33/76, 181
 Ollivier, Paul RG 33/140, 360

-P-

Paish, George RG 33/12, 36
 Panet, Edouard de Bellefeuille RG 33/26, 66
 Pardy, N. Bruce RG 33/136, 344
 Parkinson, Joseph Frederick RG 33/39, 91
 Pateras, Bruno J. RG 33/142, 369
 Paterson, A. RG 33/41, 96
 Patriquin, Harry O. RG 33/29, 73
 Patry-Cullen, Lydia RG 33/72, 171
 Pausé, Frank RG 33/95, 236
 Payne, C.H. RG 33/19, 51
 Pearse, Peter H. RG 33/132, 333
 Pearson, Lester Bowles RG 33/18, 48
 Pelletier, Paul RG 33/36, 85
 Pepin, Jean-Luc RG 33/118, 294
 Perrault, Joseph Xavier RG 33/3, 18
 Perry, J. Harvey RG 33/65, 151
 Petch, Howard E. RG 33/103, 256
 Petrie, Joseph Richards RG 33/48, 109
 Picard, Laurent A. RG 33/126, 317; RG 33/137, 349
 Picard, Joseph RG 33/13, 38
 Pitfield, P. Michael RG 33/47, 107
 Platt, Arnold RG 33/49, 112
 Platt, Helen M. RG 33/91, 223
 Plouffe, O.F. RG 33/121, 303
 Ploughman, Burford RG 33/119, 297
 Poirier, Gilles RG 33/138, 353
 Polette, Antoine RG 33/1, 15
 Pope, Harold Walpole RG 33/75, 179
 Pope, Joseph RG 33/11, 34
 Porter, Dana Harris RG 33/64, 148
 Potvin, Robert A. RG 33/71, 169
 Poulin, Hugh RG 33/112, 279
 Pratt, Brian RG 33/115, 285
 Pringle, Robert Abercrombie RG 33/8, 28; RG 33/53, 122
 Probe, John Oliver RG 33/85, 207

-R-

Rand, Ivan Cleveland RG 33/42, 98; RG 33/92, 227
 Ray, Ratna RG 33/118, 294
 Raynauld, André RG 33/80, 191
 Rayner, John RG 33/70, 166; RG 33/122, 307
 Reford, Robert RG 33/3, 18
 Reisman, S. Simon RG 33/117, 291
 Renwick, Harold Alexander RG 33/94, 232
 Richard, J. Marcel RG 33/121, 303
 Rickerd, Donald S. RG 33/128, 322
 Rinfret, Thibaudeau RG 33/23, 60; RG 33/74, 177
 Riordon, Carl RG 33/95, 236
 Ritchie, J.A. RG 33/61, 139
 Robarts, John Parmenter RG 33/118, 294
 Robert, Michel RG 33/137, 349

Roberts, Bennet John RG 33/17, 46
 Roney, Helen M. RG 33/90, 221; RG 33/91, 223;
 RG 33/92, 227
 Ronson, W.C. RG 33/15, 42
 Rorke, H.V. RG 33/83, 202
 Ross, Alex RG 33/74, 177
 Ross, G.W. RG 33/25, 64
 Ross, Henry Taylor RG 33/4, 20
 Ross, Stewart R. RG 33/68, 158
 Rowatt, Hugh Howard RG 33/110, 273
 Rowell, Newton Wesley RG 33/23, 60
 Roy, Ernest RG 33/88, 214
 Rutherford, John Gunion RG 33/55, 127; RG 33/105,
 264
 Rutherford, F.S. RG 33/68, 158

-S-

Saucier, Guylaine RG 33/139, 356
 Savard, Adjutor RG 33/23, 60
 Scammell, E.H. RG 33/74, 177
 Sclanders, F. MacLure RG 33/73, 174
 Scott, Frank Reginald RG 33/80, 191
 Seaman, Daryl Kenneth RG 33/137, 349
 Sellar, Robert Watson RG 33/46, 104
 Senn, Mark RG 33/18, 48
 Seymour, Nola K. RG 33/139, 356
 Shaw, Donald Bruce RG 33/33, 79
 Shaw, James Pearson RG 33/104, 260
 Sherwood, L.P. RG 33/74, 177
 Shortt, Adam RG 33/114, 284
 Shoyama, Thomas K. RG 33/137, 349
 Simms, Arthur RG 33/102, 254
 Sinclair, William Robert RG 33/121, 303; RG 33/142,
 369
 Sirois, Joseph RG 33/23, 60
 Skelton, Alex RG 33/23, 60
 Smelts, F.S. RG 33/68, 158
 Smith, Alfred Holland RG 33/12, 36
 Smith, Ralph RG 33/145, 379
 Smith, Robert Knowlton RG 33/94, 232
 Snavelly, Carl M., Jr. RG 33/124, 313
 Snider, Colin George RG 33/98, 244
 Soboda, Frances J. RG 33/139, 356
 Speaker of the House of Commons RG 33/112, 279
 Speaker of the Senate RG 33/112, 279
 Spears, Borden RG 33/126, 317
 Spence, Wishart Flett RG 33/34, 81; RG 33/96, 238
 Stefansson, Vilhjalmur RG 33/105, 266
 Stein, J. Peter RG 33/101, 250
 Stevens, Henry Herbert RG 33/18, 48
 Stevenson, William Alexander RG 33/106, 266
 Stewart, Andrew RG 33/35, 83; RG 33/40, 94;
 RG 33/44, 101
 Stewart, James RG 33/36, 85
 Stewart, John RG 33/112, 279
 Stewart, Lloyd RG 33/111, 276
 Stoner, Oliver Gerald RG 33/122, 307
 Strachan, Cecil Leslie RG 33/78, 186
 Sulgit, Bernadette RG 33/133, 336
 Sullivan, Arthur RG 33/119, 297
 Surveyer, Arthur RG 33/28, 70
 Sutherland, Joseph G. RG 33/13, 38

Sutherland, Mary RG 33/58, 134

-T-

Taschereau, Robert RG 33/62, 142
 Templeman, Wilfred RG 33/138, 353
 Therrien, F. Eugène RG 33/46, 104
 Thompson, Andrew R. RG 33/116, 288
 Thompson, Donald Alexander RG 33/87, 211
 Thompson, John RG 33/74, 177
 Thoms, Esau RG 33/119, 297
 Topp, C.B. RG 33/74, 177
 Tory, Henry Marshall RG 33/21, 55
 Tremblay, J. Victorien RG 33/43, 100
 Turcotte, Edmond RG 33/36, 85
 Turgeon, William Ferdinand Alphonse RG 33/20, 53;
 RG 33/22, 57; RG 33/27, 68; RG 33/52, 120
 Tweedie, Thomas Mitchell RG 33/51, 117

-V-

Valiquette, J.G. RG 33/129, 326
 Van Horne, William Cornelius RG 33/3, 18
 Van Wart, Arthur F. RG 33/78, 186
 Vankoughnet, Salter Jehoshaphat RG 33/1, 15
 Vaughan, J.J. RG 33/25, 64

-W-

Wade, Frederick Coate RG 33/2, 17
 Wagner, Claude RG 33/112, 279
 Wagner, F.G. RG 33/75, 179
 Wallace, Catherine T. RG 33/137, 349
 Wallace, James Gamble RG 33/100, 248
 Wallace, William Bernard RG 33/73, 174
 Walls, Charles E.S. Walls RG 33/65, 151
 Walsh, Albert Joseph RG 33/38, 89
 Walton, Dorothy RG 33/40, 94
 Watson, A. RG 33/69, 161
 Watts, Ronald L. RG 33/118, 294
 Webster, John Clarence RG 33/16, 44
 Wetmore, Edward Ludlow RG 33/104, 260
 White, Nathaniel W. RG 33/104, 260
 White, Smeaton RG 33/95, 236
 White, V.J. RG 33/69, 161
 White, William Thomas RG 33/17, 46; RG 33/19, 51
 Whiteley, Albert Spence RG 33/20, 53
 Wickwire, W.N. RG 33/34, 81
 Wilson, Donald K. RG 33/71, 169
 Wimmer, Ross RG 33/71, 169
 Winchester, John RG 33/99, 246
 Winter, Gordon A. RG 33/136, 344
 Winters, Robert Henry RG 33/85, 207
 Wong, Randal S.K. RG 33/142, 369
 Wood, W.C.H. RG 33/74, 177
 Wright, William Henry RG 33/88, 214
 Wyczynski, Paul RG 33/80, 191

-Y-

Yates, George W. RG 33/16, 44
 Young, Edward James RG 33/18, 48
 Young, Gladys RG 33/142, 369
 Young, John RG 33/7, 26

SUBJECT INDEX

-A-

"Abandonment of Branch Lines Prohibition Order"
RG 33/111, 276

Abella Commission RG 33/133, 336

Aboriginal peoples, see Indians or Inuit

Accidents, Airplane Crash at Rea Point RG 33/106, 266; Airplane Crash at Ste-Thérèse de Blainville RG 33/84, 204; Collapse of the Quebec bridge RG 33/6, 24; Hinton train collision RG 33/143, 373; Mississauga Railway Accident RG 33/125, 315; *Ocean Ranger* Marine Disaster RG 33/136, 344

Accountability RG 33/122, 307

Act respecting and restricting Chinese Immigration RG 33/146, 381

Act respecting the Criminal Law RG 33/130, 329

Act to amend the Chinese Immigration Act RG 33/146, 381

Administration of the Pension Act RG 33/74, 177

Administrative Classifications in the Public Service RG 33/26, 66

Advertising RG 33/44, 101; RG 33/47, 107

Aeronautics Act RG 33/84, 204

Affirmative action, see Employment equity

Agence de Presse Libre du Québec (APLQ) RG 33/128, 322

Agricultural machinery RG 33/91, 223

Agricultural Stabilization Board RG 33/127, 319

Agriculture RG 33/5, 22; RG 33/40, 94; RG 33/70, 166; RG 33/72, 171; RG 33/75, 179; RG 33/91, 223; RG 33/111, 276; RG 33/124, 313; RG 33/127, 319; RG 33/134, 339

Agriculture, department of RG 33/72, 171; RG 33/75, 179; RG 33/91, 223; RG 33/124, 313; RG 33/127, 319

Air Canada RG 33/10, 32; RG 33/133, 336

Air Canada, see Trans-Canada Air Lines

Air Force Station, Mont Apica, Quebec RG 33/43, 100

Air regulations RG 33/84, 204

Air traffic control services RG 33/121, 303

Aird Commission RG 33/14, 40

Airplane Crash at Rea Point, Northwest Territories RG 33/106, 266

Airplane Crash at Ste-Thérèse de Blainville, Quebec RG 33/84, 204

Airport Inquiry Commission RG 33/103, 256

Airports RG 33/87, 211; RG 33/103, 256

Alberta RG 33/22, 57; RG 33/29, 73; RG 33/41, 96; RG 33/50, 115; RG 33/51, 117; RG 33/52, 120; RG 33/79, 189; RG 33/97, 241; RG 33/111, 276; RG 33/116, 288; RG 33/124, 313; RG 33/140, 360; RG 33/143, 373

ALCAN (Aluminium Company of Canada) RG 33/56, 129

Algoma Steel Corporation Ltd. RG 33/102, 254

Allan, Hugh RG 33/1, 15

Allegations of corruption, Drill sheds in Ontario RG 33/8, 28

Allegations of fraud, Chinese immigration RG 33/146, 381; Concessions in the Yukon Territory RG 33/110, 273

Allegations of irregularities, Prairie Farm Assistance Administration RG 33/75, 179

Allegations of maladministration, Westbank Indian Band RG 33/147, 383

Allegations of misappropriation of funds, Air Canada RG 33/10, 32; Martineau RG 33/82, 200

Allegations of misconduct, Immigration officers at Montreal RG 33/9, 30; Leo A. Landreville RG 33/92, 227; Officials of the Yukon Territory RG 33/76, 181

Allegations of misrepresentation, Italian immigration to Montreal RG 33/99, 246

Allegations of political partisanship, Department of Soldiers' Civil Reestablishment RG 33/86, 209; Edmund Louis Paradis RG 33/43, 100; Operation of the *Civil Service Act* RG 33/77, 183; Stony Mountain Penitentiary RG 33/2, 17

Allegations of unfair dealings, Canadian Dairy Commission RG 33/127, 319

Allegations of unlawful activities, RCMP RG 33/128, 322

Allison, J. Wesley RG 33/61, 139

Allmand, Warren RG 33/127, 319

Aluminum RG 33/56, 129

American Ammunition Company, New York RG 33/61, 139

Anderson, Doris RG 33/89, 217

Anderson, J.C. RG 33/90, 221

Andras, Robert RG 33/122, 307

Annuities, taxation of RG 33/24, 62

Anthracite Coal RG 33/21, 55

Anthracite Coal RG 33/21, 55; RG 33/63, 146

Appropriation Act RG 33/141, 363

Arab embargo RG 33/116, 288

Archambault, J.R. Omer RG 33/142, 369

Archives RG 33/11, 34; RG 33/28, 70

Arctic RG 33/105, 264

Argentina RG 33/22, 57

Argus Corporation Limited RG 33/113, 281

Armaments RG 33/66, 153

Armed Forces RG 33/144, 376

Armstrong Committee, New York State RG 33/4, 20

Army RG 33/56, 129; RG 33/59, 136; RG 33/120, 301

Arts RG 33/28, 70

Arvida, Quebec RG 33/56, 129

Associated Veterans RG 33/74, 177

Association des gens de l'air du Québec RG 33/121, 303

Association of Allied Tribes of British Columbia RG 33/104, 260

Atlantic Provinces RG 33/81, 197

Atomic Energy of Canada Ltd. RG 33/133, 336

Attlee, Clement RG 33/62, 142

Auditor General RG 33/122, 307

Automobiles RG 33/45, 102; RG 33/117, 291;
RG 33/123, 311
Automotive Industry RG 33/45, 102
Automotive Industry RG 33/45, 102; RG 33/117, 291;
RG 33/123, 311
Aviation RG 33/10, 32; RG 33/84, 204; RG 33/87, 211;
RG 33/103, 256; RG 33/106, 266; RG 33/121,
303
Axworthy, Lloyd RG 33/133, 336
Aziz, Moses RG 33/88, 214

-B-

"B and B Commission" RG 33/80, 191
Baie Verte Canal RG 33/7, 26
Bain, J.T. RG 33/87, 211
Balcer, Leon RG 33/94, 232
Bandeau, Robert RG 33/119, 297
Banff, Alberta RG 33/29, 73
Bank Act RG 33/17, 46; RG 33/64, 148
Bank Charters Continuation Act RG 33/17, 46
Bank of Canada RG 33/23, 60; RG 33/64, 148;
RG 33/140, 360
Bank of Canada Act RG 33/64, 148
Bank of Montreal RG 33/82, 200
Banking and Currency RG 33/17, 46
Banking and currency (RG 33/17) RG 33/64, 148
Banking and Finance RG 33/64, 148
Banking system RG 33/17, 46; RG 33/64, 148;
RG 33/140, 360
Barbados RG 33/10, 32
Barber, Lloyd RG 33/115, 285
Barry, Ontario RG 33/8, 28
Barry, S.C. RG 33/75, 179
Barwick, Walter RG 33/110, 273
Basford, Ron RG 33/106, 266
Bassick, E.W. RG 33/61, 139
Bay of Fundy RG 33/7, 26
Beef and veal RG 33/72, 171
Bennett, R.B. RG 33/18, 48; RG 33/23, 60
Bentley, Tom RG 33/85, 207
Bering Sea RG 33/107, 268
Bering Sea Award of 1893 RG 33/107, 268
Betting, horse race meets RG 33/55, 127
Betty, Edward W. RG 33/16, 44
Biculturalism RG 33/80, 191
Bilingual Air Traffic Services in Quebec RG 33/121, 303
Bilingualism RG 33/80, 191; RG 33/118, 294;
RG 33/121, 303
Bilingualism and Biculturalism RG 33/80, 191
Bird Commission RG 33/69, 161
Black Dragon Society RG 33/60, 137
Blackstock, Ontario RG 33/8, 28
Bladen Commission RG 33/45, 102
Board of Broadcast Governors RG 33/44, 101
Board of Pension Commissioners RG 33/74, 177
Board of Railway Commissioners RG 33/27, 68
Board of Transport Commissioners RG 33/27, 68;
RG 33/49, 112
Boards of Trade, Maritimes RG 33/73, 174
Boivin, George H. RG 33/88, 214
Bordeau Jail, Montreal RG 33/93, 230

Borden Commission RG 33/39, 91
Borden, Robert RG 33/50, 115; RG 33/51, 117;
RG 33/61, 139; RG 33/83, 202
Bowell, J.M. RG 33/146, 381
Brampton, Ontario RG 33/8, 28
Bren Machine Gun Contract RG 33/66, 153
Bridges, Quebec Bridge RG 33/6, 24
British Canadian Engineering Ltd. RG 33/66, 153
British Columbia RG 33/44, 101; RG 33/60, 137;
RG 33/69, 161; RG 33/85, 207; RG 33/97,
241; RG 33/104, 260; RG 33/109, 271;
RG 33/116, 288; RG 33/126, 317; RG 33/132,
333; RG 33/145, 379; RG 33/146, 381;
RG 33/147, 383
British Columbia Security Commission RG 33/60, 137;
RG 33/69, 161
British High Commission RG 33/62, 142
British subjects RG 33/100, 248
British War Office RG 33/61, 139; RG 33/66, 153
Broadcasting RG 33/36, 85
Broadcasting RG 33/14, 40; RG 33/28, 70; RG 33/36,
85; RG 33/44, 101
Brotherhood of Locomotive Firemen and Enginemen
RG 33/37, 87
Brunet, Gilles RG 33/128, 322
Bryce Commission RG 33/113, 281
Bureau, Jacques RG 33/88, 214
Burns, George E. RG 33/99, 246
Business, banking and currency RG 33/17, 46; Banking
and finance RG 33/64, 148; Collapse of the
CCB and Northland Bank RG 33/140, 360;
Cooperatives RG 33/25, 64; Corporate
concentration RG 33/113, 281; Life insurance
RG 33/4, 20; Price spreads RG 33/18, 48;
Prices RG 33/58, 134; Taxation RG 33/65, 151
Butler, Allan M. RG 33/57, 131
Butt, W.H. RG 33/119, 297
Byer, S.M. RG 33/9, 30
Byng, Lord RG 33/88, 214

-C-

Cabinet, see Committee of the Privy Council
Cahan, C.H. RG 33/100, 248
Caldwell, E.B. RG 33/61, 139
Calgary RG 33/140, 360
California Standard Company RG 33/30, 75
Canada Grain Act RG 33/70, 166
Canada Life Insurance Company RG 33/4, 20
Canada Mortgage and Housing Corporation RG 33/133,
336
Canada Post Corporation RG 33/133, 336
Canada Shipping Act RG 33/34, 81; RG 33/94, 232;
RG 33/136, 344
Canada's Economic Prospects RG 33/35, 83
Canada's Economic Prospects (RG 33/35) RG 33/39,
91; RG 33/64, 148
Canadian Air Line Pilots Association (CALPA)
RG 33/121, 303
Canadian Air Traffic Control Association (CATCA)
RG 33/121, 303
Canadian Armed Forces RG 33/144, 376
Canadian Automotive Industry RG 33/117, 291

- Canadian Boot and Shoe Manufacturers RG 33/18, 48
 Canadian Broadcasting Corporation RG 33/28, 70;
 RG 33/36, 85; RG 33/133, 336
 Canadian Chamber of Commerce RG 33/65, 151
 Canadian Combats Veterans Association Inc.,
 Vancouver RG 33/85, 207
 Canadian Commercial Bank (CCB) RG 33/140, 360
 Canadian Dairy Commission RG 33/127, 319
 Canadian Expeditionary Force RG 33/59, 136;
 RG 33/120, 301
 Canadian Federation of University Women RG 33/89,
 217
 Canadian Manufacturers Association RG 33/65, 151
 Canadian Maritime Commission RG 33/34, 81
 Canadian Medical Association RG 33/78, 186
 Canadian National-Canadian Pacific Act RG 33/27, 68
 Canadian National Railway Company RG 33/133, 336
 Canadian National Railways RG 33/16, 44; RG 33/27,
 68; RG 33/73, 174; RG 33/119, 297;
 RG 33/143, 373
 Canadian Northern Railway RG 33/12, 36
Canadian Pacific Railway (the "Pacific Scandal")
RG 33/1, 15
 Canadian Pacific Railway RG 33/1, 15; RG 33/12, 36;
 RG 33/16, 44; RG 33/37, 87; RG 33/70, 166;
 RG 33/99, 246; RG 33/125, 315
 Canadian Pension Commission RG 33/85, 207
 Canadian Press Association RG 33/53, 122
 Canadian Real Estate Board RG 33/67, 156
 Canadian Saltfish Corporation RG 33/81, 197
 Canadian Shipbuilding and Ship Repairing Association
 RG 33/34, 81
 Canadian Tax Foundation RG 33/65, 151
 Canadian Transport Commission RG 33/111, 276;
 RG 33/124, 313
Canadian Unity, Task Force on RG 33/118, 294
Canadian Vessels Construction Assistance Act
 RG 33/34, 81
 Canadian Wheat Board RG 33/22, 57; RG 33/70, 166;
 RG 33/111, 276; RG 33/124, 313
 Canals, Baie Verte RG 33/7, 26
 Cannibus RG 33/101, 250
 Cape Breton Island, Nova Scotia RG 33/42, 98
 Cardin, Lucien RG 33/89, 217; RG 33/96, 238
 Cardin, P.J.A. RG 33/14, 40
 Carter Commission RG 33/65, 151
 Carvell, F.B. RG 33/61, 139
Case Involving Gerta Munsinger (the "Munsinger
Case" RG 33/96, 238
 Casgrain, J. Chase RG 33/110, 273
 Catastrophes, *see* Accidents
 Cattle RG 33/72, 171
 "CCF Party" (Cooperative Commonwealth Federation)
 RG 33/69, 161; RG 33/85, 207
Certain Activities of the RCMP RG 33/128, 322
 Chain stores RG 33/18, 48
Charges of Misconduct Against Officials in the
Yukon Territory RG 33/76, 181
Chatelaine RG 33/89, 217
 CHEK-TV, Victoria RG 33/44, 101
 Cherry Point, State of Washington RG 33/116, 288
 Chignecto, Isthmus of RG 33/7, 26
 China RG 33/141, 363
Chinese and Japanese Immigration to British
Columbia RG 33/145, 379
Chinese Frauds and Opium Smuggling on the
Pacific Coast RG 33/146, 381
 Chinese immigration RG 33/145, 379; RG 33/146,
 381
Chinese Immigration Act RG 33/145, 379
Chinese Opium Act RG 33/146, 381
 Chlorine gas RG 33/125, 315
 Choquette, Gilles RG 33/127, 319
 Choquette, Michel RG 33/127, 319
 Chrétien, Jean RG 33/115, 285
 Christie Street Hospital, Toronto RG 33/86, 209
 Chrysler RG 33/117, 291
 Chrysler Corporation of Canada RG 33/123, 311
 Citizenship RG 33/100, 248; RG 33/141, 363
 Citizenship and Immigration, department of RG 33/96,
 238
 Civil servants RG 33/77, 183
 Civil Service, *see* Public Service
Civil Service Act RG 33/15, 42; RG 33/46, 104;
 RG 33/77, 183; RG 33/83, 202; RG 33/86, 209
 Civil Service Commission RG 33/15, 42; RG 33/46,
 104; RG 33/83, 202
Claims of Certain Canadian Pelagic Sealers
RG 33/107, 268
 Clark, Joe RG 33/126, 317
 Clark, W.C. RG 33/26, 66
 Claxton, Brooke RG 33/28, 70
Co-operatives RG 33/25, 64
Coal RG 33/42, 98; RG 33/63, 146
 Coal Industry RG 33/21, 55; RG 33/42, 98; RG 33/63,
 146; RG 33/97, 241
Coasting Trade RG 33/34, 81
 Cod RG 33/81, 197
Collapse of the CCB [Canadian Commercial Bank]
and Northland Bank RG 33/140, 360
 Collapse of the Quebec Bridge RG 33/6, 24
 College of Physicians and Surgeons, Saskatchewan
 RG 33/78, 186
 Collingwood, Ontario RG 33/8, 28
Combines Investigation Act RG 33/21, 55; RG 33/126,
 317
 Commercial advantages of the Baie Verte Canal
 RG 33/7, 26
Commercial Practices of the Canadian Dairy
Commission RG 33/127, 319
 Commercial Protective Association RG 33/88, 214
Commission d'enquête sur des opérations policières en
territoire québécois (Keable Commission)
 RG 33/128, 322
 Commission into the complaints of D.R. MacInnis, Nova
 Scotia RG 33/128, 322
 Commission into the Confidentiality of Health
 Information, Ontario RG 33/128, 322
 Commission on Royal American Shows, Alberta
 RG 33/128, 322
 Committee of the Privy Council RG 33/10, 32;
 RG 33/44, 101; RG 33/80, 191; RG 33/95,
 236; RG 33/103, 256

- Committees, advisory, demobilization and rehabilitation RG 33/68, 158; Unemployment Insurance Commission RG 33/48, 109
- Committees, Editorial Committee on Government Publications RG 33/98, 244; Equality of Women in Canada RG 33/89, 217; Federal-Provincial Prairie Fisheries RG 33/79, 189; Miners Committee RG 33/76, 181; Shell Committee RG 33/61, 139, 356
- Committees, House of Commons, Agricultural RG 33/5, 22; Agriculture and Colonization RG 33/91, 223; Canadian Pacific Railway RG 33/1, 15; Huntington's charges RG 33/1, 15; Marketing of wheat RG 33/22, 57; Prices RG 33/58, 134; Price spreads RG 33/18, 48; Privileges and elections RG 33/75, 179; Public accounts RG 33/48, 109; RG 33/69, 161; Railway and Shipping RG 33/16, 44; Reconstruction and Re-establishment RG 33/28, 70; Special committee to investigate the administration of the department of Customs and Excise RG 33/88, 214
- Committees, Inter-departmental, Rehabilitation RG 33/68, 158; Technical and professional personnel RG 33/26, 66
- Committees, Inter-Governmental, Marketing Organization for the Freshwater Fisheries RG 33/79, 189
- Committees, Joint Committee, The Federal Cabinet and the National Indian Brotherhood RG 33/108, 270; House of Commons and Senate RG 33/130, 329
- Committees, Senate, Foreign Affairs RG 33/117, 291; Manpower and Employment RG 33/48, 109; Mass Media (Davey) RG 33/126, 317
- Communication RG 33/14, 40; RG 33/28, 70; RG 33/36, 85; RG 33/44, 101; RG 33/47, 107; RG 33/80, 191; RG 33/121, 303; RG 33/126, 317
- Compensation, foreign claims RG 33/141; Japanese-Canadians RG 33/69, 161; Pelagic sealers RG 33/107, 268
- Complaints by Walter H. Kirchner regarding Veterans' Pension and Treatment Services RG 33/85, 207**
- Comptroller-general RG 33/122, 307
- Concentration of corporate power RG 33/113, 281
- Conditions of Foreign Service RG 33/129, 326**
- Confederation RG 33/7, 26; RG 33/50, 115; RG 33/51, 117; RG 33/52, 120; RG 33/73, 174; RG 33/80, 191; RG 33/118, 294; RG 33/119, 297
- Conglomerates RG 33/113, 281
- Conservative Party RG 33/86, 209
- Consolidated Mining and Smelting Company RG 33/41, 96
- Consolidated Revenue Fund RG 33/141, 363
- Constitution of Canada RG 33/118, 294
- Consumers RG 33/18, 48; RG 33/21, 55; RG 33/40, 94; RG 33/45, 102; RG 33/72, 171; RG 33/79, 189
- Continental Investment Corporation Ltd. RG 33/92, 227
- Contracts, Bren Machine Gun RG 33/66, 153; Drill sheds in Ontario RG 33/8, 28; Shell Committee RG 33/61, 139
- Cooper, Theodore RG 33/6, 24
- Co-operative Commonwealth Federation, see "CCF Party"
- Copyright RG 33/32, 77
- Copyright Act* RG 33/32, 77
- Cordasco, Antonio RG 33/99, 246
- Corporate Concentration RG 33/113, 281**
- Corporate Concentration, newspaper industry RG 33/126, 317
- Corruption, see Allegations of
- Cost of living RG 33/58, 134
- Cost of News Print Paper RG 33/53, 122**
- Costing Order R-6313 RG 33/124, 313
- Costs of Transporting Grain by Rail RG 33/124, 313**
- Costs of transporting grain by rail (RG 33/124) RG 33/111, 276
- Coté, Chas. D. RG 33/82, 200
- Courtney, John M. RG 33/77, 183
- Courtney Commission RG 33/77, 183
- Cox, George A. RG 33/4, 20
- Coyne, James E. RG 33/48, 109; RG 33/64, 148
- Crawley, H.O. RG 33/7, 26
- Criminal Code RG 33/130, 329; RG 33/131, 331; RG 33/142, 369
- Criminal insanity RG 33/130, 329
- Criminal Law in Canadian Society RG 33/142, 369
- Criminal Law Reform Act* RG 33/142, 369
- Criminal Law Relating to Criminal Sexual Psychopaths RG 33/131, 331**
- Crosby, Leonard RG 33/147, 383
- "Crow Rates" RG 33/49, 112; RG 33/124, 313
- Crown Corporations RG 33/133, 336
- Crown Lands RG 33/13, 38; RG 33/30, 75; RG 33/50, 115; RG 33/51, 117; RG 33/52, 120
- Crowse, L.R. RG 33/40, 94
- Cuba RG 33/127, 319; RG 33/141, 363
- Cultural Identity RG 33/28, 70
- Cumberland Basin RG 33/7, 26
- Cured Fish RG 33/81, 197
- Currency RG 33/17, 46; RG 33/64, 148
- Currency Act* RG 33/17, 46
- Custodian of Enemy Property RG 33/69, 161
- Customs Act* RG 33/88, 214
- Customs and Excise RG 33/88, 214**
- Customs and Excise, department RG 33/88, 214
- Czechoslovakia RG 33/141, 363
- D-**
- Dangerous goods RG 33/125, 315
- Dare, Michael RG 33/128, 322
- Dartmouth, Nova Scotia RG 33/57, 131
- Davey, Keith RG 33/126, 317
- Davies, Louis RG 33/4, 20
- Davies, W.F. RG 33/75, 179
- Dawson Board of Trade RG 33/110, 273
- Dealings of the Hon. Mr. Justice Leo A. Landreville with Northern Ontario Gas Limited RG 33/92, 227**

- Deans, John RG 33/6, 24
 DeBané, Pierre RG 33/138, 353
 Defence of Canada Regulations RG 33/60, 137;
 RG 33/123, 311
 DeHaviland Aircraft of Canada Ltd. RG 33/133, 336
Demands of the Coal Miners of Western Canada
RG 33/97, 241
 Demobilization RG 33/68, 158
 Denis, Raymond RG 33/93, 230
Department of Manpower and Immigration, Montreal
RG 33/9, 30
 Department stores RG 33/18, 48
 Depression of the 1870s RG 33/7, 26
 Depression of the 1930s RG 33/16, 44; RG 33/17, 46;
 RG 33/23, 60
 Derailments, Hinton RG 33/143, 373; Mississauga
 RG 33/125, 315
 Derrickson, Ronald RG 33/147, 383
 Deschênes Commission RG 33/144, 376
Determination of Sentences RG 33/142, 369
 Diefenbaker, John RG 33/40, 94; RG 33/41, 96;
 RG 33/46, 104; RG 33/48, 109; RG 33/49,
 112; RG 33/64, 148; RG 33/65, 151;
 RG 33/78, 186; RG 33/96, 238
 Diesel Locomotives RG 33/37, 87
 Diplomatic service RG 33/129, 326
 Disabled persons RG 33/133, 336
 Discrimination in employment RG 33/133, 336
Dismissal of George Walker from the Prairie Farm
Assistance Administration RG 33/75, 179
 Disorders, see Disturbances
Dispatch of the Canadian Expeditionary Force to
Hong Kong RG 33/120, 301
 Disposal of government publications in the Distribution
 Office RG 33/98, 244
Disposal of Property of Japanese-Canadians
RG 33/69, 161
Distribution of Railway Box Cars RG 33/70, 166
 Distribution Office for government publications
 RG 33/98, 244
 Disturbances, Arvida RG 33/56, 129; Halifax RG 33/57,
 131
Disturbances at Arvida in July 1941 RG 33/56, 129
 Diubaldo, Richard RG 33/105, 264
 Dixon-Speas Associates RG 33/87, 211
 Dofaco (Dominion Foundries and Steel Ltd.)
 RG 33/102, 254
 Doiron, Lawrence RG 33/9, 30
 Dominion Archivist RG 33/11, 34
 Dominion Marine Association RG 33/34, 81
Dominion Notes Act RG 33/17, 46
Dominion-Provincial Relations RG 33/23, 60
 Dominion-Provincial Relations (RG 33/23) RG 33/80,
 191
 Dominion-Provincial Relations, see Federal-Provincial
 relations
 Dominion Textile Company RG 33/20, 53
 Dorion Commission RG 33/93, 230
 Dorval, Quebec RG 33/84, 204; RG 33/87, 211
 Dorval International Airport, see Montreal International
 Airport at Dorval
 Douglas, T.C. RG 33/93, 230
 Drayton-Acworth Commission RG 33/12, 36
 Drew, George RG 33/46, 104; RG 33/66, 153;
 RG 33/120, 301
 Drill Halls RG 33/8, 28
Drill Sheds, Province of Ontario RG 33/8, 28
 Drilling rig RG 33/136, 344
 Drug companies, generic and brand-name
 RG 33/135, 341
 Drugs, non-medical use of drugs RG 33/101, 250
 Drugs, opium RG 33/146, 381
 Drugs patents RG 33/135, 341
 Dubé, Jean-Eudes RG 33/112, 279
 Duff Commission RG 33/16, 44
 Duncan Commission RG 33/73, 174
 Dunning, C.A. RG 33/23, 60
 -E-
 Eastern Canada Potato Producers Council RG 33/134,
 339
 Eatons (T. Eaton Company) RG 33/18, 48
 Economic prospects RG 33/35, 83; RG 33/39, 91;
 RG 33/64, 148; RG 33/137, 349
Economic Union and Development Prospects for
Canada RG 33/137, 349
 Economic Union and Development Prospects for
 Canada (RG 33/137) RG 33/139, 356
 Edmonton, Alberta RG 33/116, 288; RG 33/140, 360
 Edson subdivision, Alberta RG 33/143, 373
 Education RG 33/80, 191
 Edwards Valve Company, Chicago RG 33/61, 139
Elder Indians' Testimony RG 33/108, 270
 Elections, general election of 1872 RG 33/1, 15; of
 1896 RG 33/2, 17; of 1911 RG 33/51, 117;
 RG 33/83, 202; of 1921 RG 33/73, 174; of
 1925 RG 33/73, 174; of 1945 RG 33/57, 131;
 of 1957 RG 33/40, 94; of 1958 RG 33/41, 96;
 RG 33/49, 112; of 1962 RG 33/65, 151; of
 1963 RG 33/80, 191; of 1974 RG 33/102, 254;
 provincial elections of 1976, Quebec
 RG 33/118, 294; Alberta RG 33/51, 117;
 Saskatchewan RG 33/50, 115
 Elevators, grain RG 33/70, 166
 Employers and employees, relations between
 RG 33/95, 236
 Employment and Immigration, department of
 RG 33/133, 336; RG 33/139, 356
 Employment equity RG 33/133, 336
Employment of Firemen on Diesel Locomotives
RG 33/37, 87
Energy RG 33/39, 91
 Energy (RG 33/39) RG 33/42, 98
 Energy, see Coal, natural gas and petroleum
 England, see Great Britain
 Environmental impact RG 33/116, 288
Equality in Employment RG 33/133, 336
 Espionage RG 33/62, 142; RG 33/96, 238
Espionage in Government Service (the "Gouzenko
Affair") RG 33/62, 142
 Eskimos, see Inuit
 Essex County, Ontario RG 33/67, 156
 Etobicoke, Ontario RG 33/125, 315
 Etobicoke Creek, Ontario RG 33/33, 79

European Economic Community (EEC) RG 33/138, 353
 Evacuation, Mississauga RG 33/125, 315
Excess Profits Tax Act RG 33/25, 64
 Exchequer Court RG 33/69, 161
Excise Act RG 33/88, 214
Export Act RG 33/13, 38
 Export Development Corporation RG 33/133, 336
 Exports, Beef RG 33/72, 171; Crude oil RG 33/116, 288; Energy RG 33/39, 91; Freshwater fish RG 33/79, 189; Grain RG 33/22, 57; Motor vehicles and parts RG 33/45, 102; News print paper RG 33/53, 122; Potatoes RG 33/134, 339; Pulpwood RG 33/13, 38; Salt fish RG 33/81, 197; Seals pelts RG 33/138, 353; Skim milk powder RG 33/127, 319
 Expropriation RG 33/103, 256; RG 33/112, 279
Expropriation Act RG 33/103, 256
 External Affairs, department of RG 33/129, 326; RG 33/141, 363
Extradition of Lucien Rivard (the "Rivard Affair") RG 33/93, 230

-F-

Family corporations, taxation of RG 33/24, 62
Farm Machinery RG 33/91, 223
 Farming, see Agriculture
 Favreau, Guy RG 33/93, 230
 Federal Business Development Bank RG 33/133, 336
 Federal Court, see Exchequer Court
 Federal Inquiry on Pacific Salmon (1939) RG 33/132, 333
 Federal Inquiry on the Failure of the Home Bank of Canada (1923) RG 33/140, 360
 Federal-Provincial conferences RG 33/78, 186; RG 33/79, 189; RG 33/81, 197
 Federal-Provincial relations RG 33/19, 51; RG 33/23, 60; RG 33/38, 89; RG 33/50, 115; RG 33/51, 117; RG 33/52, 120; RG 33/73, 174; RG 33/80, 191; RG 33/104, 260; RG 33/109, 271; RG 33/118, 294; RG 33/121, 303; RG 33/136, 344; RG 33/137, 349
 Federal Trade Commission, United States RG 33/53, 122
 Federation of Canadian Artists RG 33/28, 70
 Federation of St. Lawrence River Pilots RG 33/94, 232
 Fielding, W.S. RG 33/77, 183
 Films RG 33/28, 70
 Finance, department of RG 33/4, 20; RG 33/13, 38; RG 33/15, 42; RG 33/19, 51; RG 33/20, 53; RG 33/24, 62; RG 33/35, 83; RG 33/53, 122; RG 33/64, 148; RG 33/77, 183; RG 33/82, 200; RG 33/139, 356; RG 33/141, 363
Finance Act RG 33/17, 46
 Finances RG 33/17, 46; RG 33/64, 148
Financial Arrangements Between the Dominion and the Maritime Provinces RG 33/19, 51
Financial Management and Accountability RG 33/122, 307
Financial Matters of Air Canada RG 33/10, 32
 Firemen on diesel locomotives RG 33/37, 87

First World War RG 33/8, 28; RG 33/12, 36; RG 33/53, 122; RG 33/55, 127; RG 33/59, 136; RG 33/61, 139; RG 33/95, 236
 Fisheries RG 33/40, 94; RG 33/79, 189; RG 33/81, 197; RG 33/132, 333
 Fisheries and Environment, department of RG 33/116, 288
 Fisheries and Ocean, department of RG 33/132, 333; RG 33/138, 353
 Fishermen RG 33/48, 109; RG 33/138, 353
 Fleming, Donald RG 33/64, 148
 Floods, hurricane damage RG 33/33, 79
 Florence, A.L. and Sons RG 33/98, 244
 Food Prices Review Board RG 33/72, 171
 Food products RG 33/40, 94
 Ford RG 33/117, 291
Foreign Claims RG 33/141, 363
 Foreign Claims Fund RG 33/141, 363
 Foreign Service RG 33/129, 326
 Foreign Service officers RG 33/129, 326
 Forest resources RG 33/13, 38
 Forget Commission RG 33/139, 356
 Foster, Edward RG 33/146, 381
 Fowler Commission RG 33/36, 85
 Fox, Francis RG 33/128, 322
 Fraud, see Allegations of
 Free Trade Agreement, Canada-United States RG 33/137, 349
Freight Rate Reduction Act RG 33/49, 112
 Freight Rates RG 33/27, 68; RG 33/49, 112; RG 33/73, 174; RG 33/124, 313
 French-Canadians RG 33/80, 191
 French Language RG 33/121, 303
 Freshwater Fish Industry RG 33/79, 189
 Freshwater Fish Marketing Corporation RG 33/79, 189
 Fulton, Davie RG 33/96, 238
Future of Trans-Canada Air Lines Overhaul Base at Winnipeg International Airport RG 33/87, 211

-G-

Gas, see Natural gas
 Gaudreault, Rémi RG 33/43, 100
 General Motors RG 33/117, 291
 Germany RG 33/57, 131; RG 33/141, 363; RG 33/144, 376
 Gibson, William RG 33/4, 20
 Gillespie, Alastair RG 33/102, 254
 Glassco Commission RG 33/46, 104, 260
Globe and Mail, Toronto RG 33/65, 151
 Gold Commissioner's Office RG 33/76, 181
 Gold mining RG 33/31, 76; RG 33/110, 273
 Gordon Commission RG 33/35, 83
 Gordon, Peter RG 33/102, 254
 Gordon, Walter RG 33/35, 83; RG 33/48, 109
 "Gouzenko Affair" RG 33/62, 142
 Gouzenko, Igor RG 33/62, 142
 Government officials RG 33/76, 181
Government Organization RG 33/46, 104
 Government Organization (RG 33/46) RG 33/122, 307

**Government Printing and Stationery Office
RG 33/98, 244**

Government records RG 33/11, 34

Grain RG 33/22, 57

Grain RG 33/5, 22; RG 33/22, 57; RG 33/70, 166;
RG 33/111, 276; RG 33/124, 313

Grain Handling and Transportation RG 33/111, 276

Grain Handling and Transportation (RG 33/111)
RG 33/124, 313

Grain Inspection Act RG 33/5, 22

Grain Trade RG 33/5, 22

Grand Trunk Pacific Railway RG 33/12, 36; RG 33/99,
246

Grand Trunk Railway RG 33/12, 36

Great Britain RG 33/21, 55; RG 33/24, 62; RG 33/34,
81; RG 33/50, 115; RG 33/51, 117; RG 33/52,
120; RG 33/59, 136; RG 33/61, 139;
RG 33/62, 142; RG 33/66, 153; RG 33/107,
268; RG 33/120, 301; RG 33/144, 376

Great Depression, see Depression of the 1930s

Great Lakes RG 33/34, 81; RG 33/94, 232

Great Slave Lake, Northwest Territories RG 33/41, 96

Great Slave Lake Railway RG 33/41, 96

Greene, J.J. RG 33/91, 223

Greenpeace RG 33/138, 353

Grievances, Indians RG 33/115, 285; Post Office
RG 33/90, 221; RCMP RG 33/71, 169

Gulf of St. Lawrence RG 33/7, 26

-H-

Hahn, James E. RG 33/66, 153

Halifax, Nova Scotia RG 33/57, 131; RG 33/59, 136

Halifax Disorders, 7 and 8 May 1945 RG 33/57, 131

Hall Commission RG 33/78, 186; RG 33/111, 276

Hall, Francis RG 33/7, 26

Hallucinogens RG 33/101, 250

Hamilton, William RG 33/47, 107

Handicapped, see Disabled persons

Hanson and Mumms RG 33/8, 28

Hanson, R.B. RG 33/120, 301

Harbour commissioners, Toronto RG 33/54, 125

Hargadon, Peter A. RG 33/141, 363

Harris, Walter RG 33/35, 83

Harrison, F.E. RG 33/97, 241

Hartle, Douglas RG 33/122, 307

Hays, Harry RG 33/75, 179

"Head Tax," Chinese immigrants RG 33/145, 379

Health and Welfare, department of RG 33/101, 250

Health Services RG 33/78, 186

Health Services RG 33/78, 186; RG 33/135, 341

Heeney, Arnold RG 33/46, 104

Hellyer, Paul RG 33/103, 256

Herring RG 33/132, 333

Herwig, J.C.G. RG 33/68, 158

Heseler, Gerta, see Munsinger, Gerta

Hibernia Field RG 33/136, 344

Higgitt, W.L. RG 33/71, 169

Hinton, Alberta RG 33/143, 373

Hinton Train Collision RG 33/143, 373

Historical Manuscripts Commission RG 33/11, 34

Hitchman Report RG 33/140, 360

Home Bank RG 33/140, 360

Hong Kong RG 33/120, 301

Hoover Commissions, United States RG 33/46, 104

Horner, Jack RG 33/117, 291

Horse Race Meets and Betting RG 33/55, 127

Horse racing RG 33/55, 127

Hospital Insurance and Diagnostic Services Act
RG 33/78, 186

Hospital insurance plan RG 33/78, 186

House, John Douglas RG 33/139, 356

House of Commons RG 33/114, 284

House of Commons, committees, see Committees

Howe, C.D. RG 33/39, 91; RG 33/56, 129, RG 33/63,
146

Hudson Bay RG 33/52, 120

Hughes, Sam RG 33/61, 139

Humber River Valley, Ontario RG 33/33, 79

Hungary RG 33/141, 363

Huntington, Lucius S. RG 33/1, 15

**Hurricane Damage, Humber River Valley, Province
of Ontario RG 33/33, 79**

Hurricane "Hazel" RG 33/33, 79

Hydraulic concessions, Yukon Territory RG 33/110,
273

-I-

Illicit drugs RG 33/101, 250

Ilisley, J.L. RG 33/57, 131

Immigration RG 33/99, 246; RG 33/145, 379;
RG 33/146, 381

Immigration, Department of Manpower and
Immigration RG 33/9, 30

**Immigration of Italian Labourers to Montreal
RG 33/99, 246**

"Immigration Visa Services of Canada" RG 33/9, 30

Imperial Munitions Board RG 33/61, 139

Imports, Automobiles RG 33/45, 102; RG 33/117, 291;
Beef RG 33/72, 171; Coal RG 33/21, 55;
RG 33/42, 98; RG 33/63, 146; Oil RG 33/116,
288; News print paper RG 33/53, 122

Improper inducements and pressure concerning
extradition of Lucien Rivard RG 33/93, 230

Income War Tax Act RG 33/24, 62; RG 33/25, 64

Indian Act RG 33/104, 260

Indian Affairs, department of RG 33/104, 260

Indian Affairs and Northern Development, department of
RG 33/147, 383

Indian Claims RG 33/115, 285

Indian Elders' Testimony RG 33/108, 270

**Indian Lands and Indian Affairs Generally in the
Province of British Columbia RG 33/104,
260**

Indian reserves RG 33/104, 260

Indian rights and claims RG 33/108, 270; RG 33/115,
285

Indian Rights Commission RG 33/115, 285

Indians RG 33/104, 260; RG 33/107, 268; RG 33/108,
270; RG 33/115, 285; RG 33/133, 336;
RG 33/147, 383

Industrial design RG 33/32, 77

Industrial Design and Union Label Act RG 33/32, 77

Industrial Disputes Investigation Act RG 33/123, 311

Industrial Relations in Canada RG 33/95, 236

Industry, see Primary industry and Secondary industry
 Inglis Co. Ltd, Toronto RG 33/66, 153
 Insanity, see Criminal insanity
 Insolvency of banks RG 33/140, 360
 Instrument Flight Rules (IFR) RG 33/121, 303
 Insurance, Health RG 33/78, 186; Life RG 33/4, 20;
 Unemployment RG 33/48, 109; RG 33/139, 356
Insurance Act RG 33/4, 20
 Intercolonial Railway RG 33/12, 36; RG 33/73, 174
 Interior, department of RG 33/76, 181; RG 33/105, 264;
 RG 33/109, 271
 International Arms and Fuse Company, New York
 RG 33/61, 139
 International Bible Students Association RG 33/14, 40
 International Fund for Animal Welfare RG 33/138, 353
 International Trade, department of RG 33/138, 353
 Internment, Japanese-Canadians RG 33/69, 161
 Inuit RG 33/138, 353
 Inventions, see Patents of inventions
 Investment and holding companies RG 33/113, 281
 Irregularities, Bren Machine Gun Contract RG 33/66,
 153; Canadian Pacific Railway RG 33/1, 15;
 Customs and excise RG 33/88, 214; Prairie
 Farm Assistance Administration RG 33/75,
 179; Insurance industry RG 33/4, 20; Shell
 Committee contracts RG 33/61, 139
 Irvine, A.G. RG 33/2, 17
 Italians Labourers RG 33/99, 246
 Italy RG 33/99, 246

-J-

James, W. RG 33/48, 109
 Jamieson, Don RG 33/103, 256
 Japan RG 33/20, 53; RG 33/60, 137; RG 33/69, 161;
 RG 33/107, 268; RG 33/120, 301
**Japanese Black Dragon Society, Province of British
 Columbia RG 33/60, 137**
 Japanese-Canadian Committee for Democracy
 RG 33/69, 161
 Japanese-Canadians RG 33/60, 137; RG 33/69, 161
 Japanese immigration RG 33/145, 379
 Jasper, Alberta RG 33/29, 73
 Jehovah's Witnesses RG 33/14, 40
 John Inglis Co. Ltd, Toronto RG 33/66, 153
 Johnston, Howard RG 33/106, 266
 Judicial Committee of the Privy Council RG 33/50, 115;
 RG 33/51, 117
 Justice, department of RG 33/1, 15; RG 33/2, 17;
 RG 33/43, 100; RG 33/51, 117; RG 33/60,
 137; RG 33/88, 214; RG 33/92, 227;
 RG 33/93, 230; RG 33/96, 238; RG 33/106,
 266; RG 33/110, 273; RG 33/127, 319;
 RG 33/130, 329; RG 33/131, 331; RG 33/142,
 369

-K-

Kaplan, Robert P. RG 33/144, 376
 Keable Commission, province of Quebec RG 33/128,
 322
 Keable, Jean RG 33/128, 322
 Keegstra, Jim RG 33/144, 376

Keenan, John T. RG 33/121, 303
 Keenleyside, H.L. RG 33/29, 73
 Kellock-Taschereau Commission RG 33/62, 142
 Kelowna, British Columbia RG 33/147, 383
 Kennedy Commission on the Status of Women, United
 States RG 33/89, 217
 Kent Commission RG 33/126, 317
 Kilbourn, W. RG 33/39, 91
 King, James H. RG 33/86, 209
 King, W.L.M. RG 33/23, 60; RG 33/56, 129; RG 33/62,
 142; RG 33/66, 153; RG 33/88, 214;
 RG 33/120, 301
 Kirchner, Walter H. RG 33/85, 207
 Kitimat, British Columbia RG 33/116, 288
 Kitimat Pipelines Ltd. RG 33/116, 288
 Klondike River RG 33/110, 273
 Kyle, G.W. RG 33/61, 139

-L-

Labour, department of RG 33/20, 53; RG 33/21, 55;
 RG 33/48, 109; RG 33/68, 158; RG 33/95,
 236; RG 33/97, 241; RG 33/99, 246;
 RG 33/123, 311
**Labour Dispute at the Windsor Plant of the Chrysler
 Corporation of Canada RG 33/123, 311**
 Labour disputes, Air traffic controllers RG 33/121, 303;
 Aluminum RG 33/56, 129; Coal miners
 RG 33/97, 241; Firemen on diesel locomotives
 RG 33/37, 87; Industry RG 33/95, 236; Marine
 pilots RG 33/94, 232; Post Office department
 RG 33/90, 221; Textile industry RG 33/20, 53;
 Railways RG 33/27, 68; RG 33/49, 112; RCMP
 RG 33/71, 169; Windsor plant of Chrysler
 RG 33/123, 311
 Labour, employment equity RG 33/133, 336
 Labrador RG 33/119, 297
 Laforest, Janic RG 33/43, 100
 Lake Ontario RG 33/33, 79
 LaMarsh, Judy RG 33/89, 217
 Lamontagne, Maurice RG 33/80, 191
 Lamontagne, Pierre RG 33/93, 230
 Landreville, Leo A. RG 33/92, 227
 Lang, Otto RG 33/111, 276; RG 33/119, 297;
 RG 33/121, 303
 Laurendeau, André RG 33/80, 191
 Laurendeau-Dunton Commission RG 33/80, 191
 Laurier, Wilfrid RG 33/2, 17; RG 33/3, 18; RG 33/76,
 181; RG 33/110, 273; RG 33/145, 379
 Law Branch of the House of Commons RG 33/114,
 284
**Law of Insanity as a Defence in Criminal Cases
 RG 33/130, 329**
 Law of Insanity as a Defence in Criminal Cases
 (RG 33/130) RG 33/131, 331
 Law Reform Commission RG 33/142, 369
 Law Society of Upper Canada RG 33/92, 227
 Le Dain Commission RG 33/101, 250
Le Devoir, Montreal RG 33/80, 191
 Lead RG 33/41, 96
 Lester B. Pearson International Airport, see Toronto
 International Airport at Malton
 Letendre, André RG 33/93, 230

- Letters RG 33/28, 70
 Lévesque, Gaston RG 33/96, 238
 Lew, David RG 33/146, 381
 Liberal Association of Dawson RG 33/110, 273
 Liberal Party RG 33/86; RG 33/146, 381
 Libraries RG 33/28, 70
 Licences, broadcasting RG 33/36, 85; drug patents
 RG 33/133, 336; radio broadcasting RG 33/14,
 40
 Lieutenant Governor's warrant RG 33/130, 329
Life Insurance RG 33/4, 20
 Lignanti, E. RG 33/61, 139
 Liquidation of banks RG 33/140, 360
 Listowel, Ontario RG 33/8, 28
 Littman, Sol RG 33/144, 376
 Liverpool, England RG 33/59, 136
 Livestock RG 33/72, 171
 Livett, Robert RG 33/97, 241
 London, Ontario RG 33/86, 209
 Lord, Guy RG 33/93, 230
Lot Rentals in Banff and Jasper National Parks
 RG 33/29, 73
 LSD RG 33/101, 250
- M-**
 MacDonald, Flora RG 33/139, 356
 Macdonald, John A. RG 33/1, 15
 MacDonald, John A. (Minister of Public Works, 1973)
 RG 33/112, 279
 Macdonald Commission RG 33/137, 349
 Macdonnell, J.J. RG 33/122, 307
 MacGuigan, Mark RG 33/142, 369
 Machine guns RG 33/66, 153
 MacInnis, Grace RG 33/89, 217
 MacKenzie, Ian RG 33/66, 153; RG 33/67, 156;
 RG 33/68, 158; RG 33/85, 207
 Mackenzie District, Northwest Territories RG 33/41, 96
 MacLaren, Murray RG 33/74, 177
 Maclean's magazine RG 33/66, 153; RG 33/71, 169
 MacPherson Commission RG 33/49, 112
 MacTavish Commission RG 33/4, 20
 Magazines RG 33/47, 107
 Maladministration, see Allegations of
 Malton, Toronto International Airport RG 33/103, 256
 Manitoba RG 33/2, 17; RG 33/5, 22; RG 33/22, 57;
 RG 33/23, 60; RG 33/50, 115; RG 33/51, 117;
 RG 33/52, 120; RG 33/70, 166; RG 33/79,
 189; RG 33/87, 211; RG 33/95, 236;
 RG 33/111, 276; RG 33/120, 301; RG 33/124,
 313; RG 33/126, 317
 Manitoba Grain Act RG 33/5, 22
 Manitoba Penitentiary RG 33/2, 17
 Manitoba Pool Elevators RG 33/70, 166
 Manning, E.C. RG 33/80, 191
 Manpower, Department of Manpower and Immigration
 RG 33/9, 30
 Manufacturing, see Agricultural machinery, Aluminium,
 Automobiles, Newspapers, Newsprint,
 Pharmaceuticals, Shipbuilding, Steel, Skim
 milk powder, Textiles
- Marchand, Jean RG 33/103, 256; RG 33/111, 276,
 RG 33/121, 303
 Marin Commission RG 33/71, 169
 Marine and Fisheries, department of RG 33/14, 40,
 RG 33/54, 125; RG 33/107, 268
 Marine Casualty Investigation Branch RG 33/136, 344
 Marine disaster RG 33/136, 344
 Marine pilotage RG 33/94, 232
 Maritimes RG 33/7, 26; RG 33/19, 51; RG 33/73, 174
Maritime Claims RG 33/73, 174
 Maritime Claims (RG 33/73) RG 33/19, 51
 "Maritime Rights" RG 33/73, 174
 Markdale, Ontario RG 33/8, 28
 Marketing, Beef RG 33/72, 171; Freshwater fish
 RG 33/79, 189; Potatoes RG 33/134, 339; Salt
 fish RG 33/81, 197
Marketing of Beef RG 33/72, 171
Marketing Practices for the Potato Industry in
 Eastern Canada RG 33/134, 339
Marketing Problems of the Freshwater Fish Industry
 RG 33/79, 189
Marketing Problems of the Atlantic Salt Fish
 Industry RG 33/81, 197
 Martin, Paul RG 33/67, 156
Martineau Defalcation RG 33/82, 200
 Mass buying RG 33/18, 48
 Massey Commission RG 33/28, 70
 Matas, David RG 33/144, 376
 Mathers Commission RG 33/95, 236
 Mazankowski, Don RG 33/125, 315; RG 33/143, 373
 McBride, see McKenna-McBride
 McBride, Richard RG 33/104, 260
 McCleery, Donald RG 33/128, 322
 McDonald Commission RG 33/128, 322
 McGregor, G.R. RG 33/87, 211
 McGregor, Robert RG 33/10, 32
 McGregor Travel RG 33/10, 32
 McInnes, T.R.E. RG 33/146, 381
 McIntosh, Jack RG 33/75, 179
 McKenna, J.A.J. RG 33/104, 260
 McKenna-McBride agreement RG 33/104, 260
 McKeough, Darcy RG 33/103, 256
 McLaughlan, Gerald RG 33/140, 360
 McLaughlin, W.E. RG 33/65, 151
 McLure, Norman RG 33/6, 24
 Meaford, Ontario RG 33/8, 28
 Meat RG 33/72; RG 33/105, 264
 Medical care, see Health services
 Meighen, Arthur RG 33/88, 214; RG 33/105, 264
 Members of Parliament RG 33/112, 279
 Ménard, Yves RG 33/10, 32
 Mengele, Josef RG 33/144, 376
 Menke, Josef RG 33/144, 376
 Mental health, see Criminal insanity
 Mexico RG 33/127, 319
 Militia and Defence, department of RG 33/61, 139
 Milk, skim milk powder RG 33/127, 319
 Miners Committee RG 33/76, 181
 Mining RG 33/21, 55; RG 33/31, 76; RG 33/41, 96;
 RG 33/42, 98; RG 33/63, 146; RG 33/76, 181;
 RG 33/97, 241; RG 33/110, 273
 Minittee, Robert RG 33/7, 26

Misappropriation of funds, see Allegations of
 Misconduct, see Allegations of
 Misrepresentation, see Allegations of
 Mississauga, Ontario RG 33/125, 315
Mississauga Railway Accident RG 33/125, 315
 Mitchell, Humphrey RG 33/68, 158; RG 33/97, 241
 Mobil Oil Canada Ltd. RG 33/136, 344
 Monetary system RG 33/17, 46; RG 33/64, 148
 Mont Apica, Quebec RG 33/43, 100
 Montreal, Quebec RG 33/9, 30; RG 33/87, 211;
 RG 33/93, 230; RG 33/96, 238; RG 33/99,
 246; RG 33/113, 281; RG 33/127, 319;
 RG 33/128, 322
 Montreal City Police RG 33/128, 322
 Montreal International Airport at Dorval RG 33/84, 204;
 RG 33/87, 211
 Moores, Frank RG 33/119, 297
 Morgan, James RG 33/119, 297
 Morii, Etsuji RG 33/60, 137
 Motor vehicles, see Automobiles
 Motor vehicles and parts RG 33/117, 291
 Mulroney, Brian RG 33/69, 161
 Mumms and Hanson RG 33/8, 28
 Munitions RG 33/61, 139
 Munitions and Supply, department of RG 33/56, 129;
 RG 33/63, 146
 Munro, John RG 33/101, 250
 "Munsinger Case" RG 33/96, 238
 Munsinger, Gerta RG 33/96, 238
 Murray, J.R. RG 33/22, 57
 Murray, L.W. RG 33/57, 131
 Museums RG 33/28, 70
 Musk-ox, see Reindeer and musk-ox

-N-

Nadon, Maurice RG 33/128, 322
Natal Act RG 33/145, 379
 National Archives of Canada, see Public Archives of
 Canada
 National Association of Japanese-Canadians RG 33/69,
 161
 National Defence, department of RG 33/66, 153
**National Development in the Arts, Letters and
 Sciences RG 33/28, 70**
 National Development in the Arts, Letters and Sciences
 (RG 33/28) RG 33/36, 85
 National Employment Service RG 33/48, 109
 National Energy Board RG 33/39, 91; RG 33/116,
 288
 National Farm Products Marketing Council RG 33/134,
 339
 National Farmer's Union RG 33/91, 223
 National Hospital Insurance Programme RG 33/78,
 186
 National Indian Brotherhood RG 33/108, 270
 National Parks RG 33/29, 73
 National security RG 33/62, 142; RG 33/69, 161;
 RG 33/96, 238; RG 33/128, 322
 National Transcontinental Railway, see Grand Trunk
 Pacific Railway
 National Unity RG 33/118, 294
 National War Labour Board RG 33/97, 241

Native peoples, see Indians
 Natural gas RG 33/30, 75; RG 33/39, 91; RG 33/92,
 227
 Natural resources RG 33/42, 98; RG 33/50, 115;
 RG 33/51, 117; RG 33/52, 120; RG 33/63,
 146; RG 33/109, 271
Natural Resources of Alberta RG 33/51, 117
Natural Resources of Manitoba RG 33/52, 120
Natural Resources of Saskatchewan RG 33/50, 115
Naturalization RG 33/100, 248
Naturalization Act RG 33/100, 248
 Navigation RG 33/3, 18; RG 33/7, 26; RG 33/34, 81;
 RG 33/94, 232
 Navy RG 33/57, 131
 Nazi war criminals RG 33/144, 376
 New Brunswick RG 33/7, 26; RG 33/19, 51; RG 33/73,
 174; RG 33/81, 197; RG 33/134, 339
 New York City, United States RG 33/6, 24
 New York State, United States RG 33/4, 20
New York Times, RG 33/144, 376
 Newfoundland RG 33/38, 89; RG 33/81, 197;
 RG 33/119, 297; RG 33/136, 344; RG 33/139,
 356
Newfoundland Finances RG 33/38, 89
Newfoundland Transportation RG 33/119, 297
News Herald, Vancouver RG 33/60, 137
Newspapers RG 33/126, 317
 Newspapers RG 33/126, 317
 Newsprint RG 33/53, 122
 Newsprint Manufacturers Association RG 33/53, 122
 Nicholson, J.R. RG 33/89, 217
 Nielsen, Erik RG 33/93, 230
 Nippon Black Dragon, see Black Dragon Society
 Nixon, Richard RG 33/72, 171
Non-Medical Use of Drugs RG 33/101, 250
Nordtor RG 33/136, 344
 North American Reindeer Company RG 33/105, 264
 North West Grain Dealer's Association RG 33/5, 22
 Northern Affairs and National Resources, department
 of RG 33/31, 76
 Northern Ontario Natural Gas Limited RG 33/92, 227
 Northern Ontario Pipeline Crown Corporation RG 33/39,
 91
 Northern Tier Pipeline RG 33/116, 288
Northland Incident (the S.S.) RG 33/59, 136
 Northland Bank RG 33/140, 360; RG 33/147, 383
 Northwest Territories RG 33/30, 75; RG 33/31, 76;
 RG 33/41, 96; RG 33/50, 115; RG 33/51, 117;
 RG 33/52, 120; RG 33/79, 189; RG 33/106,
 266
 Nova Scotia RG 33/7, 26; RG 33/19, 51; RG 33/42, 98;
 RG 33/57, 131; RG 33/59, 136; RG 33/73,
 174; RG 33/81, 197; RG 33/134, 339
 Nymark, Alan RG 33/137, 349

-O-

O'Brien, A.H. RG 33/114, 284
 O'Connor, G.B. RG 33/97, 241
 O'Hara, F.C.T. RG 33/146, 381
 O'Leary Commission RG 33/47, 107
 Oakville, Ontario RG 33/125, 315
Oaths Act RG 33/1, 15

Ocean Drilling and Exploration Company (ODECO)
RG 33/136, 344

Ocean Ranger Marine Disaster RG 33/136, 344

Offenses, see Sentencing

Oil, see Petroleum

Oil drilling RG 33/136, 344

Oil Ports RG 33/116, 288

Oliver, Ernest RG 33/67, 156

On, Yip RG 33/146, 381

Ontario RG 33/8, 28; RG 33/33, 79; RG 33/39, 91;
RG 33/45, 102; RG 33/54, 125; RG 33/62,
142; RG 33/67, 156; RG 33/79, 189;
RG 33/86, 209; RG 33/92, 227; RG 33/103,
256; RG 33/112, 279; RG 33/113, 281;
RG 33/125, 315; RG 33/126, 317; RG 33/134,
339

"Operation Bricole" RG 33/128, 322

Operation of the Civil Service Act RG 33/77, 183

Operation of the *Civil Service Act* (RG 33/77) RG 33/83,
202

Opium smuggling RG 33/146, 381

Organizations, non-governmental RG 33/118, 294

Oriental, immigration of RG 33/145, 379; RG 33/146,
381

Orono, Ontario RG 33/8, 28

Orr-Ewing, Malcolm H. RG 33/110, 273

Ottawa, Ontario RG 33/62, 142; RG 33/86, 209;
RG 33/112, 279; RG 33/126, 317

Ottawa Citizen RG 33/118, 294

Ottawa City Police RG 33/62, 142

Ottawa Journal, Ottawa RG 33/62, 142; RG 33/126,
317

Oxford Manufacturing Co. RG 33/2, 17

-P-

Pacific coast RG 33/132, 333

Pacific Fisheries Policy RG 33/132, 333

"Pacific Scandal" RG 33/1, 15

Page, John RG 33/7, 26

Panarctic Oils Ltd. RG 33/106, 266

Paper RG 33/53, 122

Paradis, Edmund Louis RG 33/43, 100

Paris Award Regulations of 1893 RG 33/107, 268

Parliament, see House of Commons and Senate

Parliament Hill RG 33/112, 279

Parliamentary Accommodation RG 33/112, 279

Parole Act RG 33/142, 369

Parti québécois RG 33/118, 294

Partisanship, see Allegations of political partisanship

Patchall, William RG 33/123, 311

Patent Act RG 33/32, 77; RG 33/135, 341

Patented Medicine Prices Review Board RG 33/135,
341

**Patents, Copyright, Trade Marks and Industrial
Design RG 33/32, 77**

Patents of invention RG 33/32, 77; RG 33/135, 341

Patronage, see Allegations of political partisanship

Peace River District, British Columbia RG 33/109,
271

Pearson, Drew RG 33/62, 142

Pearson, Lester B. RG 33/28, 70; RG 33/80, 191;
RG 33/87, 211; RG 33/89, 217; RG 33/96, 238

Pelagic Sealing RG 33/107, 268

Pelagic Sealing Treaty of 1911 RG 33/107, 268

Penitentiaries, Stony Mountain RG 33/2, 17

Penitentiary Act RG 33/142, 369

Pension Act RG 33/74, 177

Pension Appeal Court RG 33/74, 177

Pensions and National Health, department of RG 33/68,
158; RG 33/74, 177; RG 33/85, 207

People Over Planes Committee RG 33/103, 256

Pepin-Robarts Inquiry RG 33/118, 294

Per capita tax, see "Head tax"

Periodicals RG 33/47, 107

Petro Canada RG 33/133, 336

Petroleum RG 33/30, 75; RG 33/39, 91; RG 33/92, 227;
RG 33/116, 288; RG 33/136, 344

Pharmaceutical Industry RG 33/136, 341

Pharmaceuticals RG 33/135, 341

Phoenix Bridge Company, Pennsylvania RG 33/6, 24

Phoenixville, Pennsylvania, United States RG 33/6, 24

Pickering, Ontario RG 33/103, 256

Pickering Township Council RG 33/103, 256

Pickersgill, J.W. RG 33/28, 70; RG 33/32, 77;
RG 33/48, 109; RG 33/84, 204

Pilotage RG 33/94, 232

Pilotage Act RG 33/94, 232

Pine Point, Northwest Territories RG 33/41, 96

Pipelines RG 33/39, 91; RG 33/116, 288

Placer Mining RG 33/31, 76; RG 33/110, 273

Plaxton, Hugh RG 33/66, 153

Plaxton and Company RG 33/66, 153

Pointon, E.T. RG 33/66, 153

Poland RG 33/141, 363

Police, see Royal Canadian Mounted Police

Political partisanship, see Allegations of

**Political Partisanship in the Department of Soldiers'
Civil Re-establishment RG 33/86, 209**

**Political Partisanship of Edmund Louis Paradis
RG 33/43, 100**

Port Angeles, State of Washington RG 33/116, 288

Porter Commission RG 33/64, 148

Ports RG 33/3, 18; RG 33/54, 125; RG 33/73, 174

Post Office, see Canada Post Corporation

Post Office, department of RG 33/90, 221

Postal Workers' Brotherhood RG 33/90, 221

Potatoes RG 33/134, 339

**Potentialities of Reindeer and Musk-Ox Industries in
the Arctic RG 33/105, 264**

Powell, R.E. RG 33/56, 129

Power Corporation of Canada Limited RG 33/113,
281

Prairie Farm Assistance Act RG 33/75, 179

Prairie Farm Assistance Administration (PFAA)
RG 33/75, 179

Prairie Provinces RG 33/50, 115; RG 33/51, 117;
RG 33/52, 120; RG 33/70, 166; RG 33/75,
179; RG 33/111, 276; RG 33/124, 313

Prescription drugs RG 33/135, 341

Price Spreads RG 33/18, 48

Price Spreads of Food Products RG 33/40, 94

Prices RG 33/58, 134

Prices RG 33/18, 48; RG 33/40, 94; RG 33/58, 134;
RG 33/79, 189; RG 33/81, 197

Prices of farm machinery RG 33/91, 223
 Prices of steel products RG 33/102, 254
 Primary industry, see Beef and veal, Fisheries, Grain, Mining, Petroleum, Pulp, Reindeer and musk-ox, Sealing
 Prime Minister RG 33/8, 28; RG 33/12, 36; RG 33/17, 46; RG 33/18, 48; RG 33/23, 60; RG 33/26, 66; RG 33/27, 68; RG 33/28, 70; RG 33/33, 79; RG 33/35, 83; RG 33/36, 85; RG 33/37, 87; RG 33/38, 89; RG 33/39, 91; RG 33/40, 94; RG 33/41, 96; RG 33/42, 98; RG 33/45, 102; RG 33/46, 104; RG 33/47, 107; RG 33/48, 109; RG 33/49, 112; RG 33/50, 115; RG 33/52, 120; RG 33/55, 127; RG 33/56, 129; RG 33/57, 131; RG 33/58, 134; RG 33/59, 136; RG 33/61, 139; RG 33/62, 142; RG 33/65, 151; RG 33/66, 153; RG 33/72, 171; RG 33/73, 174; RG 33/75, 179; RG 33/78, 186; RG 33/79, 189; RG 33/80, 191; RG 33/81, 197; RG 33/83, 202; RG 33/84, 204; RG 33/86, 209; RG 33/87, 211; RG 33/88, 214; RG 33/89, 217; RG 33/90, 221; RG 33/91, 223; RG 33/93, 230; RG 33/94, 232; RG 33/96, 236; RG 33/104, 260; RG 33/108, 270; RG 33/112, 279; RG 33/113, 281; RG 33/114, 284; RG 33/115, 285; RG 33/118, 294; RG 33/120, 301; RG 33/122, 307; RG 33/126, 317; RG 33/127, 319; RG 33/128, 322; RG 33/129, 326; RG 33/135, 341; RG 33/136, 344; RG 33/137; RG 33/140; RG 33/142; RG 33/144, 376; RG 33/147, 383
 Prince Edward Island RG 33/7, 26; RG 33/19, 51; RG 33/73, 174; RG 33/81, 197; RG 33/134, 339
 Printing Bureau RG 33/98, 244
 Prisons, see Penitentiaries
 Privy Council, committee, see Committee of the Privy Council
 Property, Japanese-Canadians RG 33/69, 161
 Property damage, Aircrafts RG 33/84, 204; RG 33/106, 266; Bridge RG 33/6, 24; Disorders RG 33/57, 131; Drill rig RG 33/136, 344; Hurricane RG 33/33, 79; Trains RG 33/125, 315; RG 33/143, 373
 Prostitution RG 33/96, 238
 Providence Chemical Company, St. Louis RG 33/61, 139
 Province, Vancouver RG 33/116, 288
 Provincial Premiers RG 33/80, 191
 Prudham, George RG 33/29, 73
 Psychopaths RG 33/131, 331
 Psychotropic drugs RG 33/101, 250
 Public Archives of Canada RG 33/11, 34
 Public business RG 33/83, 202
Public Complaints, Internal Discipline and Grievance Procedure within the RCMP RG 33/71, 169
 Public moneys RG 33/82, 200; RG 33/122, 307
 Public officials RG 33/62, 142
Public Service RG 33/83, 202

Public Service RG 33/15, 42; RG 33/26, 66; RG 33/46, 104; RG 33/68, 158; RG 33/77, 183; RG 33/80, 191; RG 33/83, 202; RG 33/133, 336
 Public Service Alliance of Canada RG 33/71, 169
 Public Works, department of RG 33/3, 18; RG 33/7, 26
Publications RG 33/47, 107
 Publishers, newspapers RG 33/53, 122
 Pugsley, William RG 33/61, 139
 Pulp RG 33/13, 38; RG 33/53, 122
Pulpwood RG 33/13, 38
Purchase of the Oliver Property, Township of Sandwich West, Province of Ontario, under the Veterans' Land Act RG 33/67, 156
 Purdon, Brian RG 33/9, 30

-Q-

Quartz and Placer Mining in the Yukon Territory RG 33/31, 76

Quartz mining RG 33/31, 76
 Quebec (city of), Quebec RG 33/6, 24
 Quebec (province) RG 33/6, 24; RG 33/9, 30; RG 33/20, 53; RG 33/43, 100; RG 33/56, 129; RG 33/84, 204; RG 33/87, 211; RG 33/93, 230; RG 33/96, 238; RG 33/99, 246; RG 33/113, 281; RG 33/118, 294; RG 33/121, 303; RG 33/126, 317; RG 33/127, 319; RG 33/128, 322; RG 33/134, 339; RG 33/137, 349

Quebec Bridge RG 33/6, 24

Quebec Bridge Company RG 33/6, 24
 Quebec Provincial Police RG 33/128, 322
Quebec Saving Bank Act RG 33/64, 148

-R-

Race meets RG 33/55, 127
 Radford, N.A. RG 33/87, 211
 Radio RG 33/14, 40; RG 33/28, 70; RG 33/36, 85
Radio Broadcasting RG 33/14, 40
Railway Act RG 33/27, 68; RG 33/49, 112; RG 33/124, 313
 "Railway belt," British Columbia RG 33/109, 271
 Railway box cars RG 33/70, 166
 Railway construction RG 33/99, 246
Railway Labour Disputes Act RG 33/99, 246
 Railways RG 33/1, 15; RG 33/12, 36; RG 33/16, 44; RG 33/27, 68; RG 33/37, 87; RG 33/41, 96; RG 33/49, 112; RG 33/70, 166; RG 33/73, 174; RG 33/109, 271; RG 33/111, 276; RG 33/119, 297; RG 33/124, 313; RG 33/125, 315; RG 33/143, 373
 Railways and Canals, department of RG 33/6, 24; RG 33/16, 44
Railways and Transportation RG 33/12, 36
 Ralston, J.L. RG 33/120, 301
 Ramsay, Jack RG 33/71, 169
 Rapp, Reynold RG 33/91, 223
 Rauca, Helmut RG 33/144, 376
 RCMP, see Royal Canadian Mounted Police
 RCMP Security Service RG 33/128, 322
 Rea Point, Northwest Territories RG 33/106, 266

Recession RG 33/137, 349
Reconveyance of Land to British Columbia
 RG 33/109, 271
 Records RG 33/11, 34
Records of Public Departments RG 33/11, 34
 "Refus Global" RG 33/28, 70
 Regina, Saskatchewan RG 33/75, 179
 Rehabilitation, veterans RG 33/68, 158
 Reindeer and musk-ox RG 33/105, 264
 Reisman, Simon RG 33/117, 291
 Remissions RG 33/142, 369
 Research RG 33/28, 70; RG 33/32, 77
 Reserves, Indian RG 33/104, 260
 Resources and Development, department of RG 33/29,
 73; RG 33/30, 75
 Retailers RG 33/18, 48; RG 33/40, 94; RG 33/72, 171
 Riddell, H.S. RG 33/75, 179
 Riot, Halifax disorders RG 33/57, 131
Riot Act RG 33/56, 129
 "Rivard Affair" RG 33/93, 230
 Rivard, Lucien RG 33/93, 230
 Robarts, see Pepin-Robarts
 Robarts, John RG 33/65, 151
 Robertson, Norman RG 33/26, 66; RG 33/62, 142
 Robichaud, H.J. RG 33/40, 94; RG 33/48, 109
 Roblin, Duff RG 33/87, 211
 Rogers, Norman M. RG 33/21, 55
 Romania RG 33/141, 363
 Roper, J.S. RG 33/74, 177
 Rouleau, Guy RG 33/93, 230
 Rowell-Sirois Commission RG 33/23, 60
 Royal Canadian Air Force Station (RCAF) RG 33/43,
 100
 Royal Canadian Mounted Police (RCMP) RG 33/9, 30;
 RG 33/60, 137; RG 33/62, 142; RG 33/71,
 169; RG 33/93, 230; RG 33/96, 238;
 RG 33/128, 322
 Royal Canadian Navy RG 33/57, 131
 Royal Commission on Employment and Unemployment,
 Newfoundland RG 33/139, 356
 Royal Rifles of Canada RG 33/120, 301
 Russia RG 33/107, 268
 Rumania, see Romania
 Rupert's Land RG 33/50, 115; RG 33/51, 117;
 RG 33/52, 120

-S-

S.S. *Northland* Incident RG 33/59, 136
 Sabia, Laura RG 33/89, 217
 Sabotage RG 33/56, 129
 Salmon RG 33/132, 333
 Salt fish industry RG 33/81, 197
 Samson, Robert RG 33/128, 322
 Sandwich West, Ontario RG 33/67, 156
 Saskatchewan RG 33/22, 57; RG 33/23, 60; RG 33/50,
 115; RG 33/51, 117; RG 33/52, 120;
 RG 33/75, 179; RG 33/78, 186; RG 33/79,
 189; RG 33/111, 276; RG 33/124, 313
Saskatchewan Natural Resources Act RG 33/50, 115
 Scandals, Customs and Excise RG 33/88; Pacific
 Scandal RG 33/1, 15
 Schafer Bros. Ltd. RG 33/127, 319

Sciences RG 33/28, 70
 Scott, Duncan Campbell RG 33/105, 264
Seaforth Highlander RG 33/136, 344
 Sealing RG 33/107; RG 33/138, 353
Seals and the Sealing Industry in Canada
 RG 33/138, 353
 Second World War RG 33/25, 64; RG 33/56, 129,
 RG 33/57, 131; RG 33/58, 134; RG 33/60,
 137; RG 33/63, 146; RG 33/67, 156,
 RG 33/68, 158; RG 33/69, 161; RG 33/97,
 241; RG 33/120, 301; RG 33/144, 376
 Secondary Industry, see Manufacturing
 Secretary of State RG 33/11, 34; RG 33/32, 77;
 RG 33/69, 161; RG 33/98, 244; RG 33/100,
 248; RG 33/145, 379
 Secretary of State for External Affairs RG 33/141,
 363
 Security, see National security
 Security service, see RCMP Security Service
 Sedatives RG 33/101, 250
 Senate committees, see Committees
 Senate of Canada RG 33/64, 148
 Senators RG 33/112, 279
 Sentencing RG 33/142, 369
 Sévigny, Pierre RG 33/96, 238
 Sexual psychopaths RG 33/131, 331
 Shaughnessy Hospital, Vancouver RG 33/85, 207
Shell Committee Contracts RG 33/61, 139
 Sherbrooke, Quebec RG 33/20, 53
 Shipbuilding RG 33/34, 81
 Shipping RG 33/3, 18; RG 33/5, 22; RG 33/16, 44;
 RG 33/22, 57; RG 33/34, 81; RG 33/70, 166;
 RG 33/94, 232; RG 33/111, 276; RG 33/124,
 313
 Sifton, Clifford RG 33/110, 273
 Simon Wiesenthal Centre, Los Angeles RG 33/144,
 376
 Simpsons (Robert Simpson Company) RG 33/18, 48
 Sirois, see Rowell-Sirois
 Skim milk powder RG 33/127, 319
 Sloan, Gordon McGregor RG 33/132, 333
 Smallpox RG 33/59, 136
 Smuggling RG 33/88, 214; RG 33/146, 381
 Snavely, Carl RG 33/124, 313
 Social Sciences RG 33/28, 70
 Social security, see Unemployment insurance
 Sokokukai RG 33/60, 137
 Soldiers' Civil Re-establishment, department of
 RG 33/86, 209
 Solicitor General RG 33/128, 322; RG 33/144, 376
 Solicitor General, department of RG 33/71, 169
 Solvents RG 33/101, 250
 Southam Inc. RG 33/126, 317
 Soviet Embassy, Ottawa RG 33/62, 142
 Soviet espionage RG 33/62, 142; RG 33/96, 238
 Speech from the Throne RG 33/3, 18; RG 33/28, 70;
 RG 33/73, 174; RG 33/134, 339
 Spence Commission RG 33/96, 238
 Spencer, George Victor RG 33/96, 238
 Spying, see Espionage
 St. John's, Newfoundland RG 33/136, 344

St. Laurent, Louis RG 33/28, 70; RG 33/35, 83;
RG 33/62, 142

St. Lawrence, Gulf of RG 33/7, 26

St. Lawrence River RG 33/6, 24; RG 33/94, 232

St. Lawrence Seaway RG 33/34, 81; RG 33/94, 232

**Staking of Crown Land in the Northwest Territories
and the Yukon Territory RG 33/30, 75**

Starr, Michael RG 33/48, 109

Statement of the Government of Canada on Indian
Policy RG 33/115, 285

**Station CHEK-TV, Victoria, Province of British
Columbia RG 33/44, 101**

Status Indians RG 33/108, 270

Status of Women in Canada RG 33/89, 217

Status of Women RG 33/89; RG 33/133, 336

Ste-Thérèse de Blainville, Quebec RG 33/84, 204

Steel RG 33/102, 254

Steel Profits RG 33/102, 254

Stefansson, Vilhjalmur RG 33/105, 264

Stelco (Steel Company of Canada Ltd.) RG 33/102,
254

Stevens, H.H. RG 33/18, 48; RG 33/88, 214

Stevens Commission RG 33/18, 48

Stevensons' Field, Manitoba RG 33/87, 211

Stimulants RG 33/101, 250

Stony Mountain Penitentiary, Manitoba RG 33/2, 17

Strikes, see Labour disputes

Subsidies, federal RG 33/12, 36; RG 33/23, 60;
RG 33/28, 70; RG 33/38, 89; RG 33/42, 98;
RG 33/49, 112, 279; RG 33/50, 115;
RG 33/51, 117; RG 33/52, 120; RG 33/63,
146; RG 33/73, 174; RG 33/119, 297;
RG 33/124, 313

Sudbury, Ontario RG 33/92, 227

Sun Oil Company RG 33/30, 75

Sunset Crest Rentals Limited RG 33/10, 32

Supreme Court of Canada RG 33/50, 115; RG 33/51,
117

Supreme Court of Ontario RG 33/92, 227

Sutherland, James RG 33/3, 18

Swift Current, Saskatchewan RG 33/75, 179

Szlapka, P.L. RG 33/6, 24

-T-

Tariffs RG 33/27, 68; RG 33/73, 174

Tariffs, automobile RG 33/45, 102

Taschereau, see Kellock-Taschereau

Task Force on Canadian Unity RG 33/118, 294

Task force on marketing, potatoes RG 33/134, 339

Taxation RG 33/65, 151

Taxation RG 33/23, 60; RG 33/24, 62; RG 33/25, 64;
RG 33/38, 89; RG 33/65, 151

**Taxation of Annuities and Family Corporations
RG 33/24, 62**

Taylor, Ken RG 33/35, 83

**Technical and Professional Services in the Public
Service RG 33/15, 42**

Teleford, Thomas RG 33/7, 26

Teleglobe Canada RG 33/133, 336

Television RG 33/28, 70; RG 33/36, 85; RG 33/44, 101

Television station, CHEK-TV RG 33/44, 101

Templeman, William RG 33/146, 381

Terms of Union with Canada, British Columbia
RG 33/109, 271; Newfoundland RG 33/38, 89

Territorial Lands Act RG 33/31, 76

Textile Industry RG 33/20, 53

Textiles RG 33/20, 53

Thompson, Andrew RG 33/116, 288

Thomson Newspapers Ltd. RG 33/126, 317

Thornton, Henry RG 33/16, 44

Tom (W.A.) Construction Company RG 33/8, 28

Toronto, Ontario RG 33/33, 79; RG 33/54, 125;
RG 33/86, 209; RG 33/103, 256; RG 33/113,
281

Toronto City Council RG 33/54, 125

Toronto Harbour Commissioners RG 33/54, 125

Toronto Harbour Commissioners' Act RG 33/54, 125

Toronto International Airport at Malton RG 33/103,
256

Toronto World, RG 33/4, 20

Tourism, Canadian Government Office of RG 33/129,
326

Towers, Graham RG 33/23, 60

Trade, see Imports and Exports

Trade, domestic RG 33/34, 81

Trade, international RG 33/129, 326; RG 33/137, 349

Trade and Commerce, department of RG 33/5, 22;
RG 33/22, 57; RG 33/70, 166; RG 33/146, 381

Trade marks RG 33/32, 77

Trade unions, Air traffic controllers RG 33/121, 303;
Automobile workers RG 33/123, 311; Coal
miners RG 33/97, 241; Industry RG 33/95,
236; Marine pilots RG 33/94, 232; Post Office
department RG 33/90, 221; Railways workers
RG 33/37, 87; RG 33/49, 112; RG 33/119,
297; RCMP RG 33/71, 169

Tranquillizers RG 33/101, 250

Trans-Canada Air Lines RG 33/84, 204; RG 33/87,
211

Trans Mountain Pipelines Ltd. RG 33/116, 288

TransCanada PipeLines Limited RG 33/39, 91

Transport, department of RG 33/10, 32; RG 33/34, 81;
RG 33/84, 204; RG 33/94, 232; RG 33/103,
256; RG 33/111, 276; RG 33/116, 288;
RG 33/119, 297; RG 33/121, 303; RG 33/124,
313; RG 33/125, 315; RG 33/136, 344;
RG 33/143, 373

**Transportation RG 33/16, 44; RG 33/27, 68;
RG 33/49, 112**

Transportation RG 33/1, 15; RG 33/3, 18; RG 33/7, 26;
RG 33/12, 36; RG 33/16, 44; RG 33/27, 68;
RG 33/41, 96; RG 33/45, 102; RG 33/49, 112;
RG 33/70, 166; RG 33/73, 174; RG 33/103,
256; RG 33/111, 276; RG 33/117, 291;
RG 33/119, 297; RG 33/121, 303; RG 33/124,
313; RG 33/125, 315; RG 33/143, 373

**Transportation of Canadian Products through
Canadian Ports RG 33/3, 18**

Treadgold, A.N.C. RG 33/110, 273

**Treadgold and Other Concessions in the Yukon
Territory RG 33/110, 273**

"Treadgold Concession," Yukon Territory RG 33/110,
273

Treasury Board RG 33/29, 73; RG 33/122, 307

Treaty of Washington of 1911 RG 33/107, 268
Trudeau, Pierre E. RG 33/72, 171; RG 33/112, 279;
RG 33/118, 294; RG 33/121, 303; RG 33/127,
319; RG 33/128, 322; RG 33/129, 326;
RG 33/137, 349
Truman, Harry RG 33/62, 142
Turgeon Commission RG 33/22, 57

-U-

Unemployment Insurance RG 33/139, 356
Unemployment Insurance RG 33/48, 109; RG 33/139,
356
Unemployment Insurance Act RG 33/48, 109
Unemployment Insurance Act RG 33/48, 109;
RG 33/139, 356
UNESCO RG 33/28, 70
Unfair dealings, see Allegations of
United Automobile Workers RG 33/45, 102
United Automobile Workers of America (UAWA)
RG 33/123, 311
United Grain Growers Limited RG 33/70, 166
United Kingdom, see Great Britain
United Mine Workers of America RG 33/97, 241
United States RG 33/1, 15; RG 33/3, 18; RG 33/4, 20;
RG 33/6, 24; RG 33/12, 36; RG 33/14, 40;
RG 33/28, 70; RG 33/34, 81; RG 33/46, 104;
RG 33/47, 107; RG 33/53, 122; RG 33/61,
139; RG 33/62, 142; RG 33/63, 146;
RG 33/72, 171; RG 33/89, 217; RG 33/93,
230; RG 33/94, 232; RG 33/99, 246;
RG 33/107, 268; RG 33/116, 288; RG 33/117,
291; RG 33/136, 344; RG 33/137, 349;
RG 33/144, 376
United States Embassy RG 33/112, 279
Unity, see National unity

-V-

Vancouver, British Columbia RG 33/44, 101; RG 33/60,
137; RG 33/85, 207; RG 33/146, 381
Veal, see Beef and veal
Venturex Limited RG 33/10, 32
Veterans RG 33/67, 156; RG 33/68, 158; RG 33/69,
161; RG 33/74, 177; RG 33/85, 207;
RG 33/86, 209
Veterans Affairs, department of RG 33/67, 156;
RG 33/68, 158; RG 33/85, 207
Veterans' Land Act RG 33/67, 156
Veterans Land Administration RG 33/69, 161
Veterans' Qualifications RG 33/68, 158
VIA Rail Canada Inc. RG 33/143, 373
Victoria, British Columbia RG 33/44, 101
Victory in Europe ("VE-Day") RG 33/57, 131
Vincent, Carl RG 33/120, 301
Visible minorities RG 33/133, 336
Visual Flight Rules (VFR) RG 33/121, 303

-W-

Wage rates RG 33/97, 241
Walker, George RG 33/75, 179
Walker, Michael RG 33/133, 336
Wallace Clark and Company (Canada) Limited
RG 33/87, 211

War, see World War I and II
War Claims Commission RG 33/141, 363
War Criminals RG 33/144, 376
Warrant, Lieutenant Governor's RG 33/130, 329
Wartime Prices and Trade Board RG 33/58, 134
Wartime Wages Control Order RG 33/97, 241
Washington State, United States RG 33/116, 288
West Coast Oil Ports RG 33/116, 288
Westbank Indian Band RG 33/147, 383
Western Canada RG 33/3, 18; RG 33/5, 22; RG 33/22,
57; RG 33/50, 115; RG 33/51, 117; RG 33/52,
120; RG 33/70, 166; RG 33/95, 236;
RG 33/97, 241; RG 33/140, 360
Westlands Bank of California RG 33/140, 360
Wheat RG 33/5, 22; RG 33/22, 57
Whelan, Eugene RG 33/72, 171; RG 33/127, 319
White, Thomas RG 33/12, 36
White, William Thomas RG 33/59, 136
White Paper on Indian Policy RG 33/115, 285
Wilson, Michael RG 33/139, 356
Winchester, John RG 33/99, 246
Windsor City Council, Ontario RG 33/45, 102
Windsor Daily Star, RG 33/67, 156
Windsor Plant RG 33/123, 311
Winnipeg, Manitoba RG 33/5, 22; RG 33/22, 57;
RG 33/87, 211; RG 33/95, 236; RG 33/120,
301; RG 33/126, 317
Winnipeg General Strike RG 33/95, 236
Winnipeg Grain Exchange RG 33/5, 22
Winnipeg Grenadiers RG 33/120, 301
Winnipeg International Airport RG 33/87, 211
Winnipeg Tribune RG 33/126, 317
Winters, R.H. RG 33/29, 73
Wise, John RG 33/134, 339
Women RG 33/48, 109; RG 33/89, 217; RG 33/133,
336
Woodsworth, J.S. RG 33/14, 40
Wool RG 33/105, 264
Woolliams, Eldon RG 33/91, 223
**Working Conditions in the Post Office Department
RG 33/90, 221**
**Working of the Law Branch of the House of
Commons RG 33/114, 284**
World War I, see First World War
World War II, see Second World War

-Y-

Yoakum, B.F. RG 33/61, 139
Young, Arthur & Co. RG 33/98, 244
Yugoslavia RG 33/141, 363
Yukon Council RG 33/110, 273
Yukon Placer Mining Act RG 33/31, 76
Yukon Quartz Mining Act RG 33/31, 76
Yukon Territory RG 33/30, 75; RG 33/31, 76; RG 33/76,
181; RG 33/110, 273

-Z-

Zabotin, Nikolai RG 33/62, 142
Zinc RG 33/41, 96
Zundel, Ernst RG 33/144, 376

NOTES

NOTES

NOTES

NOTES

Voies de transport des produits canadiens par les

ports canadiens RG 33/3, 18

Vol à vue RG 33/121, 309
Vol aux instruments RG 33/121, 309

-W-

Wagons couverts RG 33/70, 168
Walker, George RG 33/75, 181
Walker, Michael RG 33/133, 345
Wallace Clark and Company (Canada) Limited
RG 33/87, 214
Washington, États-Unis RG 33/116, 293
Westbank, Bande indienne de RG 33/147, 393
Westlands Bank of California RG 33/140, 370
Whelan, Eugene RG 33/72, 173; RG 33/127, 328
White, Thomas RG 33/12, 36
White, William Thomas RG 33/59, 137
Wilson, Michael RG 33/139, 366
Winchester, John RG 33/99, 251
Windsor (Ontario), Conseil municipal de RG 33/45, 103
Windsor Daily Star RG 33/67, 158
Windsor, Usine de RG 33/123, 318
Winnipeg (Manitoba) RG 33/5, 22; RG 33/22, 57; RG 33/87, 214; RG 33/95, 241; RG 33/120, 307; RG 33/126, 326
Winnipeg Grain Exchange RG 33/5, 22
Winnipeg Grenadiers RG 33/120, 307
Winnipeg, Grève générale de RG 33/95, 241
Winnipeg Tribune RG 33/126, 326
Winters, R.H. RG 33/29, 73
Wise, John RG 33/134, 348
Woodsworth, J.S. RG 33/14, 40
Woodlams, Eldon RG 33/91, 228

-Y-

Yoakum, B.F. RG 33/61, 140
Young, Arthur & Co. RG 33/98, 249
Yukon, Conseil du RG 33/110, 278
Yukon, Territoire du RG 33/30, 75; RG 33/31, 76; RG 33/76, 183; RG 33/110, 278

-Z-

Zabotin, Nikolai RG 33/62, 143
Zinc, Mines de RG 33/41, 96
Zundel, Ernst RG 33/144, 386

Transports RG 33/1, 15; RG 33/3, 18; RG 33/5, 22;

RG 33/7, 26; RG 33/12, 36; RG 33/16, 44; RG 33/22, 57; RG 33/27, 68; RG 33/34, 81; RG 33/41, 96; RG 33/45, 103; RG 33/49, 113; RG 33/70, 168; RG 33/73, 176; RG 33/94, 237; RG 33/103, 261; RG 33/111, 281; RG 33/117, 297; RG 33/119, 303; RG 33/121, 309; RG 33/125, 323; RG 33/143, 383

Transports, ministère des RG 33/10, 32; RG 33/34, 81; RG 33/143, 383
RG 33/143, 383
RG 33/124, 320; RG 33/125, 323; RG 33/136, 353; RG 33/119, 303; RG 33/121, 309; RG 33/124, 261; RG 33/111, 281; RG 33/116, 293; RG 33/84, 207; RG 33/94, 237; RG 33/103, 261; RG 33/111, 281; RG 33/116, 293; RG 33/121, 309; RG 33/124, 261; RG 33/119, 303; RG 33/121, 309; RG 33/127, 328; RG 33/118, 300; RG 33/121, 309; RG 33/127, 328; RG 33/137, 358
Truman, Harry RG 33/62, 143

-U-

UNESCO RG 33/28, 70
Union économique et perspectives de
développement du Canada RG 33/137, 358
Union économique et perspectives de développement
du Canada (RG 33/137) RG 33/139, 366

Unité canadienne RG 33/118, 300

URSS, Ambassade à Ottawa RG 33/62, 143; RG 33/96, 243
Usage des drogues à des fins non médicales
RG 33/101, 255

-V-

Vallée de la rivière Humber RG 33/33, 79
Vancouver (Colombie-Britannique) RG 33/44, 101; RG 33/60, 138; RG 33/85, 210; RG 33/146, 391
Variété RG 33/59, 137

Veau, voir Boeuf et veau
Véhicules à moteur, voir Automobiles
Véhicules à moteur et pièces détachées RG 33/17, 297
Vente, prix et approvisionnement du papier journal
fabriqué au Canada RG 33/53, 123

Venturex Limited RG 33/10, 32
Vérificateur général RG 33/122, 314
VIA Rail Canada Inc RG 33/143, 383
Viande RG 33/72, 173; RG 33/105, 269
Victoire en Europe (« Jour de la victoire ») RG 33/57, 132
Victoria (Colombie-Britannique) RG 33/44, 101
Vincent, Carl RG 33/120, 307

Visa canadien d'immigration RG 33/9, 30

- T-**
 Tarif du transport des marchandises RG 33/27, 68;
 RG 33/49, 113; RG 33/73, 176; RG 33/124, 320
 Tarifs relatifs à la Passe du Nid-de-Corbeau RG 33/49, 113; RG 33/124, 320
 Taschereau, voir Kellock-Taschereau
 Taxation des rentes viagères et des corporations
 de famille RG 33/24, 62
 Taylor, Ken RG 33/35, 83
 Tchecoslovaquie RG 33/141, 373
 Têglobe Canada RG 33/133, 345
 Télévision RG 33/28, 70; RG 33/36, 85; RG 33/44, 101
 Télévision, Station CHEK RG 33/44, 101
 Teleford, Thomas RG 33/7, 26
Témoignages des indiens âgés RG 33/108, 275
 Témoins de Jéhovah RG 33/14, 40
 Témpleman, William RG 33/146, 391
 Termes de l'union avec le Canada, Colombie-
 Britannique RG 33/109, 276; Terre-Neuve
 RG 33/38, 89
 Terre de Rupert RG 33/50, 116; RG 33/51, 118;
 RG 33/52, 121
 Terre-Neuve RG 33/38, 89; RG 33/81, 200; RG 33/119,
 303; RG 33/136, 353; RG 33/139, 366
 Terres de la Couronne RG 33/13, 38; RG 33/30, 75;
 RG 33/50, 116; RG 33/51, 118; RG 33/52, 121
 Territoires du Nord-Ouest RG 33/30, 75; RG 33/31, 76;
 RG 33/41, 96; RG 33/50, 116; RG 33/51, 118;
 RG 33/52, 121; RG 33/79, 192; RG 33/106, 271
Terres et affaires indiennes dans la province de la
Colombie-britannique RG 33/104, 265
 Textiles RG 33/20, 53
 Thompson, Andrew RG 33/116, 293
 Thomson Newspapers Ltd. RG 33/126, 326
 Thornton, Henry RG 33/16, 44
 Tom (W.A.) Construction Company RG 33/8, 28
 Toronto (Ontario) RG 33/33, 79; RG 33/54, 126;
 RG 33/86, 212; RG 33/103, 261; RG 33/113, 286
 Toronto, Conseil municipal de RG 33/54, 126
Toronto World RG 33/4, 20
 Towers, Graham RG 33/23, 60
 Traité de Washington de 1911 RG 33/107, 273
 Tranquillissants RG 33/101, 255
 Trans-Canada Air Lines, voir Lignes aériennes Trans-
 Canada
 Trans-Mountain Pipelines Ltd. RG 33/116, 293
Transactions conclues par les commissaires du port
de Toronto RG 33/54, 126
 Transactions de la Commission canadienne du lait
 RG 33/127, 328
Transactions financières d'Air Canada RG 33/10, 32
 TransCanada Pipelines Limited RG 33/39, 91
 Transport à Terre-Neuve RG 33/119, 303
 Transports RG 33/27, 68; RG 33/49, 113
 Szipka, P.L. RG 33/6, 24
 RG 33/140, 370
 Système bancaire RG 33/17, 46; RG 33/64, 149;
Système bancaire et financier RG 33/64, 149
 Syndical national des cultivateurs RG 33/91, 228
 RG 33/37, 87; RG 33/49, 113; RG 33/119, 303
 318; Travailleurs des chemins de fer
 de l'automobile RG 33/45, 103; RG 33/123,
 Pilotes maritimes RG 33/94, 237; Travailleurs
 241; Ministère des Postes RG 33/90, 225;
 Houilleurs RG 33/97, 246; Industrie RG 33/95,
 RG 33/121, 309; GRC RG 33/71, 171;
 Syndicats, Contrôleurs de la circulation aérienne
 Swift Current (Saskatchewan) RG 33/75, 181
 Sutherland, James RG 33/3, 18
 Sunset Crest Rentals Limited RG 33/10, 32
 Sun Oil Company RG 33/30, 75
 Sujets britanniques RG 33/100, 253
 Sudbury (Ontario) RG 33/92, 232
 320
 RG 33/73, 176; RG 33/119, 303; RG 33/124,
 118; RG 33/52, 121; RG 33/63, 147;
 RG 33/49, 113; RG 33/50, 116; RG 33/51,
 RG 33/28, 70; RG 33/38, 89; RG 33/42, 98;
 Subventions, fédérales RG 33/12, 36; RG 33/23, 60;
 RG 33/12, 36; RG 33/23, 60;
 Stony Mountain (Manitoba), Pénitencier de RG 33/2,
 17
 Stimulants RG 33/101, 255
 Stevensons, Field (Manitoba) RG 33/87, 214
 Stevens, H.H. RG 33/18, 48; RG 33/88, 217
 Steelco (Steel Company of Canada Ltd.) RG 33/102, 259
 Stefansson, Vilhjalmur RG 33/105, 269
 Station de l'Aviation royale du Canada RG 33/43, 100
 101
 Station de télévision CHEK, Victoria (C.-B.) RG 33/44,
 101
 Starr, Michael RG 33/48, 110
 Spencer, George Victor RG 33/96, 243
 Southam Inc. RG 33/126, 326
 Soivants RG 33/101, 255
 Solliciteur général, ministre du RG 33/71, 171
 Solliciteur général RG 33/128, 331; RG 33/144, 386
 Sokokukai RG 33/60, 138
 Soins médicaux, voir Services de santé
 286
 Sociétés d'investissement et de portefeuille RG 33/13,
 Sociétés d'État RG 33/133, 345
 RG 33/133, 345
 Société Radio-Canada RG 33/28, 70; RG 33/36, 85;
 345
 Société pour l'expansion des exportations RG 33/133,
 Société du barreau du Haut-Canada RG 33/92, 232
 RG 33/133, 345
 Société canadienne d'hypothèques et de logement
 Société canadienne des postes RG 33/133, 345
 Snavely, Carl RG 33/124, 320
 Sloan, Gordon McGregor RG 33/132, 342
 Situation de la femme au Canada RG 33/133, 345
 RG 33/89, 221; RG 33/133, 345
Situation de la femme au Canada RG 33/89, 221
Situation dans le service extérieur RG 33/129, 335
 Sirot, voir Commission Rowell-Sirot
 Simpsons (Robert Simpson Company) RG 33/18, 48
 Simon Wiesenthal Centre, Los Angeles RG 33/144, 386

Rapport Hitchman RG 33/140, 370
 Rauc, Helmut RG 33/144, 386
 Rea Point (T.N.-O.) RG 33/106, 271
 Récession RG 33/137, 358
 Recherche RG 33/28, 70; RG 33/32, 77
Réclamations des provinces maritimes RG 33/73, 176
 Réclamations des provinces maritimes (RG 33/73)
 RG 33/19, 51
Réclamations étrangères RG 33/141, 373
 « Refus Global » RG 33/28, 70
 Régime d'assurance-hospitalisation RG 33/78, 188
 Regina (Saskatchewan) RG 33/75, 181
 Règlement des griefs, GRC RG 33/71, 171
 Règlements du transport aérien RG 33/84, 207
 Réintégration des anciens combattants RG 33/68, 160
 Reisman, Simon RG 33/117, 297
Relations du juge Léo A. Landreville avec la Northern Ontario Gas Limited RG 33/92, 232
Relations entre le Dominion et les provinces RG 33/23, 60
 Relations entre le Dominion et les provinces (RG 33/23)
 RG 33/80, 194
 Relations fédérales-provinciales RG 33/19, 51;
 RG 33/23, 60; RG 33/38, 89; RG 33/50, 116;
 RG 33/51, 118; RG 33/52, 121; RG 33/73, 176;
 RG 33/80, 194; RG 33/104, 265;
 RG 33/109, 276; RG 33/118, 300; RG 33/121, 309; RG 33/136, 353; RG 33/137, 358
Relations industrielles du Canada RG 33/95, 241
 Rennes et boeufs musqués RG 33/105, 269
 Rentes viagères, Taxation des RG 33/24, 62
 Réserves indiennes RG 33/104, 265
 Ressources et Développement économique, ministère des RG 33/29, 73; RG 33/30, 75
 Ressources forestières RG 33/13, 38
 Ressources naturelles RG 33/42, 98; RG 33/50, 116;
 RG 33/51, 118; RG 33/52, 121; RG 33/63, 147; RG 33/109, 276
Ressources naturelles de l'Alberta RG 33/51, 118
Ressources naturelles de la Saskatchewan RG 33/50, 116
Ressources naturelles du Manitoba RG 33/52, 121
 Rétablissement des soldats dans la vie civile, ministère du RG 33/86, 212
Rétrocession de terres à la Colombie-Britannique RG 33/109, 276
 Revendications, Employés des Postes RG 33/90, 225;
 GRC RG 33/71, 171; Indiens RG 33/115, 290
Revendications des indiens RG 33/115, 290
 Rivard, Lucien RG 33/93, 235
 Roberts, voir Pépin-Roberts
 Roberts, John RG 33/65, 152
 Robertson, Norman RG 33/26, 66; RG 33/62, 143
 Robichaud, H.J. RG 33/40, 94; RG 33/48, 110
 Roblin, Duff RG 33/87, 214
 Rogers, Norman M. RG 33/40, 94; RG 33/48, 110
 Roumanie RG 33/141, 373
 Roper, J.S. RG 33/74, 179
 Rouleau, Guy RG 33/93, 235
 Royal Rifles of Canada RG 33/120, 307
 Russie RG 33/107, 273

Sabia, Laura RG 33/89, 221
 Sabotage RG 33/56, 130
 St. John's (Terre-Neuve) RG 33/136, 353
 Saint-Laurent, Fleuve RG 33/6, 24; RG 33/94, 237
 Saint-Laurent, Golfe du RG 33/7, 26
 Saint-Laurent, Louis RG 33/28, 70; RG 33/35, 83;
 RG 33/62, 143
 Saint-Laurent, Voie maritime du RG 33/34, 81;
 RG 33/94, 237
 Sainte-Thérèse-de-Blainville (Québec) RG 33/84, 207
 Salaires, Contrôle des RG 33/97, 246
 Samson, Robert RG 33/128, 331
 Sandwich West (Ontario) RG 33/67, 158
 Santé, voir Services de santé
 Santé mentale, voir Aliénation en matière criminelle
 Santé nationale et Bien-être social, ministère.
 RG 33/101, 255
 Saskatchewan RG 33/22, 57; RG 33/23, 60; RG 33/50, 116;
 RG 33/51, 118; RG 33/52, 121;
 RG 33/75, 181; RG 33/78, 188; RG 33/79, 192;
 RG 33/111, 281; RG 33/124, 320
 Saumon RG 33/132, 342
 « Scandale du Canadien Pacifique » RG 33/1, 15
 Scandales, Douanes et Accise RG 33/88, 217;
 Canadien Pacifique RG 33/1, 15
 Sciences RG 33/28, 70
 Sciences sociales RG 33/28, 70
 Scott, Duncan Campbell RG 33/105, 269
 Seaforth Highlander RG 33/136, 353
 Secrétaire d'Etat RG 33/11, 34; RG 33/32, 77; RG 33/69, 163;
 RG 33/98, 249; RG 33/100, 253;
 RG 33/145, 389
 Secrétaire d'Etat aux Affaires extérieures RG 33/141, 373
 Sécurité nationale RG 33/62, 143; RG 33/69, 163;
 RG 33/96, 243; RG 33/128, 331
 Sécurité sociale, voir Assurance-chômage
 Sédentaires RG 33/101, 255
 Sénat, Canada, RG 33/64, 149
 Sénat, Comités du, voir Comités
 Sénateurs RG 33/112, 284
 Sentence de Paris RG 33/107, 273
 Séquestre des biens ennemis RG 33/69, 163
 Service de sécurité, GRC RG 33/128, 331
 Service diplomatique RG 33/129, 335
 Service extérieur RG 33/129, 335
 Service national de placement RG 33/48, 110
Service public RG 33/83, 205
 Service public RG 33/29, 66; RG 33/83, 205
 Services de contrôle de la circulation aérienne
 RG 33/121, 309
Services de santé RG 33/78, 188
 Services de santé RG 33/78, 188; RG 33/135, 350
Services techniques et professionnels du service public RG 33/15, 42
 Sévigny, Pierre RG 33/96, 243
 Shater Bros Ltd RG 33/127, 328
 Shaughnessy, Hôpital RG 33/85, 210
 Sherbrooke (Québec) RG 33/20, 53
 Siderurgie RG 33/102, 259
 Sifton, Clifford RG 33/110, 278
 Silos à grains RG 33/70, 168

Prix RG 33/41, 96
 Pointon, E.T. RG 33/66, 155
 Poisson d'eau douce, Industrie du RG 33/79, 192
 Poisson saïé, Industrie du RG 33/81, 200
Politique des pêches du Pacifique RG 33/132, 342
 Police, voir Gendarmerie royale du Canada
 Politique indienne du gouvernement du Canada (La)
 RG 33/115, 290
 Pologne RG 33/141, 373
 Pommes de terre RG 33/134, 348
Pont de Québec RG 33/6, 24
 Port Angeles, état de Washington (États-Unis)
 RG 33/116, 293
 Ports pétroliers RG 33/116, 293
 Ports RG 33/3, 18; RG 33/54, 126; RG 33/73, 176
 Ports pétroliers RG 33/116, 293
Ports pétroliers de la Côte Ouest RG 33/116, 293
Possibilités de l'élevage de boeufs musqués et de rennes dans l'Arctique RG 33/105, 269
 Postes, voir Société canadienne des postes
 Powell, R.E. RG 33/56, 130
 Power Corporation of Canada Limited RG 33/113, 286
 Prairies, Provinces des RG 33/50, 116; RG 33/51, 118;
 RG 33/52, 121; RG 33/70, 168; RG 33/75, 181;
 RG 33/111, 281; RG 33/124, 320
Pratiques de commercialisation de la pomme de terre dans l'Est du Canada RG 33/134, 348
 Premier ministre RG 33/8, 28; RG 33/12, 36; RG 33/17,
 RG 33/18, 48; RG 33/23, 60; RG 33/26,
 66; RG 33/27, 68; RG 33/28, 70; RG 33/33,
 79; RG 33/35, 83; RG 33/36, 85; RG 33/37,
 87; RG 33/38, 89; RG 33/39, 91; RG 33/40,
 94; RG 33/41, 96; RG 33/42, 98; RG 33/45,
 103; RG 33/46, 105; RG 33/47, 108;
 RG 33/48, 110; RG 33/49, 113; RG 33/50,
 116; RG 33/52, 121; RG 33/55, 128;
 RG 33/56, 130; RG 33/57, 132; RG 33/58,
 135; RG 33/59, 137; RG 33/61, 140;
 RG 33/62, 143; RG 33/65, 152; RG 33/66,
 155; RG 33/72, 173; RG 33/73, 176;
 RG 33/75, 181; RG 33/78, 188; RG 33/79,
 192; RG 33/80, 194; RG 33/81, 200;
 RG 33/83, 205; RG 33/84, 207; RG 33/86,
 212; RG 33/87, 214; RG 33/88, 217;
 RG 33/89, 221; RG 33/90, 225; RG 33/91,
 228; RG 33/93, 235; RG 33/94, 237;
 RG 33/96, 243; RG 33/104, 265; RG 33/108,
 275; RG 33/112, 284; RG 33/113, 286;
 RG 33/114, 289; RG 33/115, 290; RG 33/118,
 300; RG 33/120, 307; RG 33/122, 314;
 RG 33/126, 326; RG 33/127, 328; RG 33/128,
 331; RG 33/129, 335; RG 33/135, 350;
 RG 33/136, 353; RG 33/137, 358; RG 33/140,
 370; RG 33/142, 379; RG 33/144, 386;
 RG 33/147, 393
 Premiers ministres provinciaux RG 33/80, 194
 Première Guerre mondiale RG 33/8, 28; RG 33/12, 36;
 RG 33/53, 123; RG 33/55, 128; RG 33/59,
 137; RG 33/61, 140; RG 33/95, 241
 Prison de Bordeaux, Montréal RG 33/93, 235
Prix RG 33/58, 135
 Rapp, Reynold RG 33/91, 228
 Ramsay, Jack RG 33/71, 171
 Ralston, J.L. RG 33/120, 307
 276
 « Railways Belt » (Colombie-Britannique) RG 33/109,
 85; RG 33/44, 101
 Radiodiffusion RG 33/14, 40; RG 33/28, 70; RG 33/36,
Radiodiffusion RG 33/14, 40
Radio et télévision RG 33/36, 85
 Radford, N.A. RG 33/87, 214
 -R-
 Quotidiens RG 33/126, 326
Munsinger ») RG 33/96, 243
Questions concernant Gerta Munsinger (« Affaire
 Québec Bridge Company RG 33/6, 24
 331; RG 33/134, 348; RG 33/137, 358
 RG 33/126, 326; RG 33/127, 328; RG 33/128,
 286; RG 33/118, 300; RG 33/121, 309;
 RG 33/96, 243; RG 33/99, 251; RG 33/113,
 207; RG 33/87, 214; RG 33/93, 235;
 53; RG 33/43, 100; RG 33/56, 130; RG 33/84,
 Québec, Province RG 33/36, 24; RG 33/9, 30; RG 33/20,
 Québec, Pont de RG 33/6, 24
 Québec, Police provinciale du RG 33/128, 331
 Québec, Ville de RG 33/6, 24
 Quartz, Mines de RG 33/31, 76
160
Qualifications des anciens combattants RG 33/68, -Q-
 Purdon, Brian RG 33/9, 30
 Pugsley, William RG 33/61, 140
 Publicité RG 33/44, 101; RG 33/47, 108
Publications RG 33/47, 108
 Psychotropes, Substances RG 33/101, 255
 Psychopathe sexuelle criminelle RG 33/131, 340
 Prudham, George RG 33/29, 73
 Provinces atlantiques RG 33/81, 200
 Province (Vancouver) RG 33/116, 293
 140
 Providence Chemical Company (St-Louis) RG 33/61,
 Prostitution RG 33/96, 243
 Propriétés, Canadiens japonais RG 33/69, 163
 RG 33/125, 323; RG 33/143, 383
 RG 33/136, 353; Pont RG 33/6, 24; Trains
 Ouragan RG 33/33, 79; Plaque-forme de forage
 RG 33/106, 271; Désordres RG 33/57, 132;
 Propriété, dommages à la, Avions RG 33/84, 207;
 RG 33/78, 188
 Programme national d'assurance-hospitalisation
 Produits pharmaceutiques RG 33/135, 350
 Produits dangereux RG 33/125, 323
saïé de l'Atlantique RG 33/81, 200
Problèmes commerciaux de l'Industrie du poisson
d'eau douce RG 33/79, 192
Problèmes commerciaux de l'Industrie du poisson
 Prix du papier journal RG 33/53, 123
 Prix des machines agricoles RG 33/91, 228
 Prix des produits de l'acier RG 33/102, 259
 RG 33/79, 192; RG 33/81, 200
 Prix RG 33/18, 48; RG 33/40, 94; RG 33/58, 135;

Prix RG 33/58, 135
 Prison de Bordeaux, Montréal RG 33/93, 235
 137; RG 33/61, 140; RG 33/95, 241
 RG 33/53, 123; RG 33/55, 128; RG 33/59,
 Première Guerre mondiale RG 33/8, 28; RG 33/12, 36;
 Premiers ministres provinciaux RG 33/80, 194
 RG 33/147, 393
 370; RG 33/142, 379; RG 33/144, 386;
 RG 33/136, 353; RG 33/137, 358; RG 33/140,
 331; RG 33/129, 335; RG 33/135, 350;
 RG 33/126, 326; RG 33/127, 328; RG 33/128,
 300; RG 33/120, 307; RG 33/122, 314;
 RG 33/114, 289; RG 33/115, 290; RG 33/118,
 275; RG 33/112, 284; RG 33/113, 286;
 RG 33/96, 243; RG 33/104, 265; RG 33/108,
 228; RG 33/93, 235; RG 33/94, 237;
 RG 33/89, 221; RG 33/90, 225; RG 33/91,
 212; RG 33/87, 214; RG 33/88, 217;
 RG 33/83, 205; RG 33/84, 207; RG 33/86,
 192; RG 33/80, 194; RG 33/81, 200;
 RG 33/75, 181; RG 33/78, 188; RG 33/79,
 155; RG 33/72, 173; RG 33/73, 176;
 RG 33/62, 143; RG 33/65, 152; RG 33/66,
 135; RG 33/59, 137; RG 33/61, 140;
 RG 33/56, 130; RG 33/57, 132; RG 33/58,
 116; RG 33/52, 121; RG 33/55, 128;
 RG 33/48, 110; RG 33/49, 113; RG 33/50,
 103; RG 33/46, 105; RG 33/47, 108;
 94; RG 33/41, 96; RG 33/42, 98; RG 33/45,
 87; RG 33/38, 89; RG 33/39, 91; RG 33/40,
 79; RG 33/35, 83; RG 33/36, 85; RG 33/37,
 66; RG 33/27, 68; RG 33/28, 70; RG 33/33,
 46; RG 33/18, 48; RG 33/23, 60; RG 33/26,
 Premier ministre RG 33/8, 28; RG 33/12, 36; RG 33/17,
terre dans l'Est du Canada RG 33/134, 348
Pratiques de commercialisation de la pomme de
 181; RG 33/111, 281; RG 33/124, 320
 RG 33/52, 121; RG 33/70, 168; RG 33/75,
 Prairies, Provinces des RG 33/50, 116; RG 33/51, 118;
 Power Corporation of Canada Limited RG 33/113, 286
 Powell, R.E. RG 33/56, 130
 Postes, voir Société canadienne des postes
 Postes, ministère des RG 33/90, 225
rennes dans l'Arctique RG 33/105, 269
Possibilités de l'élevage de boeufs musqués et de
 Ports pétroliers RG 33/116, 293
 Ports RG 33/3, 18; RG 33/54, 126; RG 33/73, 176
 Ports pétroliers RG 33/116, 293
Ports pétroliers de la Côte Ouest RG 33/116, 293
Possibilités de l'élevage de boeufs musqués et de
 rennes dans l'Arctique RG 33/105, 269
 Postes, ministère des RG 33/90, 225
 Postes, voir Société canadienne des postes
 Powell, R.E. RG 33/56, 130
 Power Corporation of Canada Limited RG 33/113, 286
 Prairies, Provinces des RG 33/50, 116; RG 33/51, 118;
 RG 33/52, 121; RG 33/70, 168; RG 33/75, 181;
 RG 33/111, 281; RG 33/124, 320
Pratiques de commercialisation de la pomme de
 terre dans l'Est du Canada RG 33/134, 348
 Premier ministre RG 33/8, 28; RG 33/12, 36; RG 33/17,
 RG 33/18, 48; RG 33/23, 60; RG 33/26,
 66; RG 33/27, 68; RG 33/28, 70; RG 33/33,
 79; RG 33/35, 83; RG 33/36, 85; RG 33/37,
 87; RG 33/38, 89; RG 33/39, 91; RG 33/40,
 94; RG 33/41, 96; RG 33/42, 98; RG 33/45,
 103; RG 33/46, 105; RG 33/47, 108;
 RG 33/48, 110; RG 33/49, 113; RG 33/50,
 116; RG 33/52, 121; RG 33/55, 128;
 RG 33/56, 130; RG 33/57, 132; RG 33/58,
 135; RG 33/59, 137; RG 33/61, 140;
 RG 33/62, 143; RG 33/65, 152; RG 33/66,
 155; RG 33/72, 173; RG 33/73, 176;
 RG 33/75, 181; RG 33/78, 188; RG 33/79,
 192; RG 33/80, 194; RG 33/81, 200;
 RG 33/83, 205; RG 33/84, 207; RG 33/86,
 212; RG 33/87, 214; RG 33/88, 217;
 RG 33/89, 221; RG 33/90, 225; RG 33/91,
 228; RG 33/93, 235; RG 33/94, 237;
 RG 33/96, 243; RG 33/104, 265; RG 33/108,
 275; RG 33/112, 284; RG 33/113, 286;
 RG 33/114, 289; RG 33/115, 290; RG 33/118,
 300; RG 33/120, 307; RG 33/122, 314;
 RG 33/126, 326; RG 33/127, 328; RG 33/128,
 331; RG 33/129, 335; RG 33/135, 350;
 RG 33/136, 353; RG 33/137, 358; RG 33/140,
 370; RG 33/142, 379; RG 33/144, 386;
 RG 33/147, 393
 Premiers ministres provinciaux RG 33/80, 194
 Première Guerre mondiale RG 33/8, 28; RG 33/12, 36;
 RG 33/53, 123; RG 33/55, 128; RG 33/59,
 137; RG 33/61, 140; RG 33/95, 241
 Prison de Bordeaux, Montréal RG 33/93, 235
Prix RG 33/58, 135

- Ocean Drilling and Exploration Company (ODECO)
RG 33/136, 353
Ocean Ranger RG 33/136, 353
Office canadien du poisson saie RG 33/81, 200
Office de commercialisation du poisson d'eau douce
RG 33/79, 192
Office de l'énergie du Canada RG 33/39, 91;
RG 33/116, 293
Office de l'établissement agricole des anciens
combattants RG 33/69, 163
Oléoducs, RG 33/39, 91; RG 33/116, 293
Oliver, Ernest RG 33/67, 158
On, Yip RG 33/146, 391
Ontario RG 33/8, 28; RG 33/33, 79; RG 33/39, 91;
RG 33/45, 103; RG 33/54, 126; RG 33/62,
143; RG 33/67, 158; RG 33/79, 192;
RG 33/86, 212; RG 33/92, 232; RG 33/103,
261; RG 33/112, 284; RG 33/113, 286;
RG 33/125, 323; RG 33/126, 326; RG 33/134,
348
Ontario, Lac RG 33/33, 79
« Opération Bricole » RG 33/128, 331
Opium RG 33/146, 391
Or, Extraction RG 33/31, 76; RG 33/110, 278
Ordonnance d'estimation des prix de revient R-6313
RG 33/124, 320
Ordonnance sur le contrôle des salaires en temps de
guerre RG 33/97, 246
« Ordre interdisant l'abandon des lignes secondaires »
RG 33/111, 281
Organisation du gouvernement RG 33/46, 105
Organisation du gouvernement (RG 33/46) RG 33/122,
314
Organismes non gouvernementaux RG 33/118, 300
Orientaux, Immigration des RG 33/145, 389; RG 33/146,
391
Orono (Ontario) RG 33/8, 28
Orr-Ewing, Malcolm H. RG 33/110, 278
Ottawa (Ontario) RG 33/62, 143; RG 33/86, 212;
RG 33/112, 284; RG 33/126, 326
Ottawa, Police de la ville d' RG 33/62, 143
Ottawa Citizen RG 33/118, 300
Ottawa Journal RG 33/62, 143; RG 33/126, 326
Ouest canadien RG 33/3, 18; RG 33/5, 22; RG 33/22,
57; RG 33/50, 116; RG 33/51, 118; RG 33/52,
121; RG 33/70, 168; RG 33/95, 241;
RG 33/97, 246; RG 33/140, 370
Ouragan Hazel RG 33/33, 79
Oxford Manufacturing, compagnie RG 33/2, 17
-P-
Pacifique, cote du RG 33/132, 342
Page, John RG 33/7, 26
Panarctic Oils Ltd. RG 33/106, 271
Papier Journal RG 33/53, 123
Paradis, Edmond Louis RG 33/43, 100
Parcs nationaux RG 33/29, 73
Pardons RG 33/142, 379
Pans, Courses de chevaux RG 33/55, 128
Parlement, voir Chambre des communes et Sénat
Parti C.C.F. RG 33/69, 163; RG 33/85, 210
Parti conservateur RG 33/86, 212
Parti libéral RG 33/86, 212; RG 33/146, 391
Parti québécois RG 33/118, 300
Partialité politique au ministère du Rétaillement
des soldats dans la vie civile RG 33/86, 212
Partisane, voir Allégations de partisane politique
Patchall, William RG 33/123, 318
Pâte à papier RG 33/31, 38
Peace River, district de (C.-B.) RG 33/109, 276
Pearson, Drew RG 33/62, 143
Pearson, Lester B. RG 33/28, 70; RG 33/80, 194;
RG 33/87, 214; RG 33/89, 221; RG 33/96, 243
Pêcheries RG 33/40, 94; RG 33/79, 192; RG 33/81, 200;
RG 33/132, 342
Pêche pélagique du piquet RG 33/107, 273
Pêche pélagique, Traité de 1911 RG 33/107, 273
Pêcheries et Environnement, ministère RG 33/16, 293
Pêches et Océans, ministère RG 33/132, 342;
RG 33/138, 362
Pêcheurs RG 33/48, 110; RG 33/138, 362
Peine, Détermination de la RG 33/142, 379
Pénitencier de Stony Mountain (Manitoba) RG 33/2,
17
Pensions et de la Santé nationale, ministère des
RG 33/68, 160; RG 33/74, 179; RG 33/85, 210
People Over Planes, Comité RG 33/103, 261
Pénodiques RG 33/47, 108
Perspectives économiques du Canada RG 33/35, 83
Perspectives économiques du Canada (RG 33/35)
RG 33/39, 91; RG 33/64, 149; RG 33/137, 358
Pertes causées par l'inondation de la vallée de la
rivière Humbert et des terres avoisinantes
en Ontario RG 33/33, 79
Pétro-Canada RG 33/133, 345
Pétrole RG 33/30, 75; RG 33/39, 91; RG 33/92, 232;
RG 33/116, 293; RG 33/136, 353
Phoenix Bridge Company (Pennsylvanie) RG 33/6, 24
Phoenixville (Pennsylvanie) États-Unis RG 33/6, 24
Phoques, voir Chasse au phoque et Pêche pélagique du
phoque
Phoques et chasse au phoque au Canada
RG 33/138, 362
Pickering (Ontario) RG 33/103, 261
Pickersgill, J.W. RG 33/28, 70; RG 33/32, 77; RG 33/48,
110; RG 33/84, 207
Pilote RG 33/94, 237
Pine Point (T.N.-O.) RG 33/41, 96
Pipelines, voir Oléoducs
Places, Mines de RG 33/31, 76; RG 33/110, 278
Plaines de citoyens canadiens d'origine japonaise
(Colombie-Britannique) RG 33/69, 163
Plaines de Walter H. Kirchner concernant
les services de pensions et traitements aux
anciens combattants RG 33/85, 210
Plaines du public, discipline interne et procédures
de règlement des griefs au sein de la GRC
RG 33/71, 171
Plaines portées contre la station de télévision CHEK,
Victoria (Colombie-Britannique) RG 33/44,
101
Plate-forme de forage RG 33/136, 353
Plaxton, Hugh RG 33/66, 155
Plaxton and Company RG 33/66, 155

Manitoba, Pénitencier RG 33/2, 17
 Manitoba Pool Elevators RG 33/70, 168
 Manning, E.C. RG 33/80, 194
 Manufactures, voir Acier, Aluminium, Automobiles,
 Construction de navires, Journaux, Laitécrémé,
 Machines agricoles, Papier journal, Produits
 pharmaceutiques et Textiles
Manutention et transport du grain RG 33/111, 281
 Manutention et transport du grain (RG 33/111)
 RG 33/124, 320
 Marchand, Jean RG 33/103, 261; RG 33/111, 281;
 RG 33/121, 309
 Marine et Pêcheries, ministère de la RG 33/14, 40;
 RG 33/54, 126; RG 33/107, 273
 Marine royale canadienne RG 33/57, 132
 Maritimes RG 33/7, 26; RG 33/19, 51; RG 33/73, 176
 Markdale (Ontario) RG 33/8, 28
 Marques de commerce RG 33/32, 77
 Martin, Paul RG 33/67, 158
 Martineau, M. RG 33/82, 203
 Matas, David RG 33/144, 386
 Mauvaise conduite, voir Allégations de
 Mazankowski, Don RG 33/125, 323; RG 33/143, 383
 McBride, voir McKenna-McBride
 McBride, Richard RG 33/104, 265
 McCleery, Donald RG 33/128, 331
 McGregor, G.R. RG 33/87, 214
 McGregor, Robert RG 33/10, 32
 McGregor Travel RG 33/10, 32
 McInnes, T.R.E. RG 33/146, 391
 McIntosh, Jack RG 33/75, 181
 McKenna, J.A.J. RG 33/104, 265
 McKenna-McBride, Entente RG 33/104, 265
 McKeough, Darcy RG 33/103, 261
 McLaughlin, Gerald RG 33/140, 370
 McLaughlin, W.E. RG 33/65, 152
 McLure, Norman RG 33/6, 24
 Meaford (Ontario) RG 33/8, 28
 Médicaments brevetés RG 33/135, 350
 Médicaments d'ordonnance, RG 33/135, 350
 Meighen, Arthur RG 33/88, 217; RG 33/105, 269
 Ménard, Yves RG 33/10, 32
 Mengelle, Josef RG 33/144, 386
 Menke, Josef RG 33/144, 386
 Mer de Béring RG 33/107, 273
 Mer de Béring, Sentence de 1893 RG 33/107, 273
 Mexique RG 33/127, 328
 Milice et Défense, ministère de la RG 33/61, 140
 Mines RG 33/21, 55; RG 33/31, 76; RG 33/41, 96;
 RG 33/42, 98; RG 33/63, 147; RG 33/76, 183;
 RG 33/97, 246; RG 33/110, 278
 Mineurs, Comité de RG 33/76, 183
Ministère de la Main-d'œuvre et de l'immigration à
Montréal RG 33/9, 30
 Mintee, Robert RG 33/7, 26
 Minoteries visibles RG 33/133, 345
 Mise en marché, Boeuf RG 33/72, 173; Poisson d'eau
 douce RG 33/79, 192; Poisson salé RG 33/81,
 200; Pommes de terre RG 33/134, 348
Mise en marché du boeuf RG 33/72, 173
 Mississauga (Ontario) RG 33/125, 323
 Mitchell, Humphrey RG 33/68, 160; RG 33/97, 246

Mitlaillieuses RG 33/66, 155
 Mobil Oil Canada Ltd. RG 33/136, 353
 Monnaie RG 33/17, 46; RG 33/64, 149
 Mont-Apica (Québec) RG 33/43, 100
 Montréal (Québec) RG 33/9, 30; RG 33/87, 214;
 RG 33/93, 235; RG 33/96, 243; RG 33/99,
 251; RG 33/113, 286; RG 33/127, 328;
 RG 33/128, 331
 Montréal, Police de la ville de RG 33/128, 331
 Moores, Frank RG 33/119, 303
 Morgan, James RG 33/119, 303
 Mori, Etsuji RG 33/60, 138
 Mulrony, Brian RG 33/69, 163
 Munitions et Approvisionnement, ministère des
 RG 33/56, 130; RG 33/63, 147
 Munro, John RG 33/101, 255
 Munsinger, Gertra RG 33/96, 243
 Murray, J.R. RG 33/22, 57
 Murray, L.W. RG 33/57, 132
 Musées RG 33/28, 70
-N-
 Nadon, Maurice RG 33/128, 331
 National Transcontinental Railway, voir Grand Trunk
 Navigation RG 33/3, 18; RG 33/7, 26; RG 33/34, 81;
 RG 33/94, 237
 Nazis, criminels de guerre RG 33/144, 386
 New York, Etat de (États-Unis) RG 33/4, 20
 New York, Ville (États-Unis) RG 33/6, 24
 New York Times RG 33/144, 386
 News Herald (Vancouver) RG 33/60, 138
 Nicholson, J.R. RG 33/89, 221
 Nielsen, Erik RG 33/93, 235
 Nippon Black Dragon, voir Black Dragon, société
 Nixon, Richard RG 33/72, 173
 Norbanque (Northland Bank) RG 33/140, 370;
 RG 33/147, 393
 Nord canadien et des Ressources nationales, ministère
 du RG 33/31, 76
 Nordtor RG 33/136, 353
 North American Reindeer Company RG 33/105, 269
 North West Grain Dealers' Association RG 33/5, 22
 Northern Ontario Natural Gas Limited RG 33/92, 232
 Northern Pipeline Corporation RG 33/39,
 91
 Northern Tier Pipeline RG 33/116, 293
 Northland, Incident du RG 33/59, 137
 Nouveau-Brunswick RG 33/7, 26; RG 33/19, 51;
 RG 33/73, 176; RG 33/81, 200; RG 33/134,
 348
 Nouvelle-Écosse RG 33/7, 26; RG 33/19, 51; RG 33/42,
 98; RG 33/57, 132; RG 33/59, 137; RG 33/73,
 176; RG 33/81, 200; RG 33/134, 348
 Nymark, Alan RG 33/137, 358
-O-
 O'Brien, A.H. RG 33/114, 289
 O'Connor, G.B. RG 33/97, 246
 O'Hara, F.C.T. RG 33/146, 391
 Oakville (Ontario) RG 33/125, 323

Lignani, E. RG 33/61, 140
 Lignes aériennes Trans-Canada RG 33/84, 207;
 RG 33/87, 214
 Liquidation de banques RG 33/140, 370
 Listowel (Ontario) RG 33/8, 28
 Littman, Sol RG 33/144, 386
 Liverpool (Angleterre) RG 33/59, 137
 Livett, Robert RG 33/97, 246
Location de lots dans les parcs nationaux de Banff et de Jasper RG 33/29, 73
Locaux parlementaires RG 33/112, 284
 Locomotives diesel RG 33/37, 87
 Loi accroissant les responsabilités des commissaires du port de Toronto RG 33/54, 126
 Loi aidant la construction des navires au Canada RG 33/34, 81
 Loi concernant l'aide aux agriculteurs des Prairies RG 33/75, 181
 Loi concernant l'assurance RG 33/4, 20
 Loi concernant les exportations RG 33/13, 38
 Loi concernant l'immigration chinoise et visant à la restreindre RG 33/146, 391
 Loi concernant le droit criminel RG 33/130, 338
 Loi contre les émeutes RG 33/56, 130
 Loi de 1897 pour la restriction de l'immigration RG 33/145, 389
 Loi de l'accise RG 33/88, 217
 Loi de l'impôt de guerre sur le revenu RG 33/24, 62;
 RG 33/25, 64
 Loi de crédits RG 33/141, 373
 Loi de naturalisation RG 33/100, 253
 Loi des banques RG 33/17, 46; RG 33/64, 149
 Loi des billets du Dominion RG 33/17, 46
 Loi des douanes RG 33/88, 217
 Loi des pensions RG 33/74, 179
 Loi des ressources naturelles de la Saskatchewan RG 33/50, 116
 Loi du cours monétaire RG 33/17, 46
 Loi financière RG 33/17, 46
 Loi maintenant en vigueur les chartes des banques RG 33/17, 46
 Loi modifiant la Loi de l'immigration chinoise RG 33/146, 391
 Loi modifiant le droit pénal RG 33/142, 379
 Loi prohibant l'importation, la fabrication et la vente de l'opium à toutes fins autres que celles de la médecine RG 33/146, 391
 Loi relative à la Canadian National et à la Canadian Pacific RG 33/27, 68
 Loi relative aux enquêtes sur les coalitions RG 33/21, 55, RG 33/126, 326
 Loi sur l'aéronautique RG 33/84, 207
 Loi sur l'assurance-chômage RG 33/48, 110;
 RG 33/139, 366
 Loi sur l'assurance-hospitalisation et les services diagnostiques RG 33/78, 188
 Loi sur l'emploi dans la Fonction publique RG 33/77, 185
 Loi sur l'exportation RG 33/103, 261
 Loi sur l'extraction de l'or dans le Yukon RG 33/31, 76

Loi sur l'extraction du quartz dans le Yukon RG 33/31, 76
 76
 Loi sur l'inspection des céréales RG 33/5, 22
 Loi sur la Banque du Canada RG 33/64, 149
 Loi sur la Fonction publique RG 33/15, 42; RG 33/46, 105; RG 33/77, 185; RG 33/83, 205;
 RG 33/86, 212
 Loi sur la libération conditionnelle de détenus RG 33/142, 379
 Loi sur la maine marchande du Canada RG 33/34, 81;
 RG 33/94, 237; RG 33/136, 353
 Loi sur la réduction des tarifs du transport RG 33/49, 113
 Loi sur la taxation des surplus de bénéfices RG 33/25, 64
 Loi sur le droit d'auteur RG 33/32, 77
 Loi sur les banques d'épargne du Québec RG 33/64, 149
 Loi sur les brevets RG 33/32, 77; RG 33/135, 350
 Loi sur les chemins de fer RG 33/27, 68; RG 33/49, 113; RG 33/124, 320
 Loi sur les dessins industriels RG 33/32, 77
 Loi sur les grains du Canada RG 33/70, 168
 Loi sur les indiens RG 33/104, 265
 Loi sur les pénitenciers RG 33/142, 379
 Loi sur les relations industrielles et sur les enquêtes visant les différends du travail RG 33/123, 318
 Loi sur les terres destinées aux anciens combattants RG 33/67, 158
 Loi sur les terres territoriales RG 33/31, 76
 London (Ontario) RG 33/86, 212
 Lord, Guy RG 33/93, 235
 LSD RG 33/101, 255
-M-
 MacDonald, Flora RG 33/139, 366
 MacDonald John A. RG 33/1, 15
 Macdonald, John A. (ministre des Travaux publics, 1973) RG 33/112, 284
 Macdonnell, J.J. RG 33/122, 314
 MacGugan, Mark RG 33/142, 379
Machines agricoles RG 33/91, 228
 MacInnis, Grace RG 33/89, 221
 MacKenzie, Ian RG 33/66, 155; RG 33/67, 158;
 RG 33/68, 160; RG 33/85, 210
 MacKenzie, District de (T.N.-O.) RG 33/41, 96
 MacLaren, Murray RG 33/74, 179
 Maclean's, Magazine RG 33/66, 155; RG 33/71, 171
 Magasins à rayons RG 33/18, 48
 Magasins à succursales RG 33/18, 48
 Magazines RG 33/47, 108
 Main-d'oeuvre, ministère de la Main-d'oeuvre et de l'immigration RG 33/9, 30
 Malton, Aéroport international de Toronto RG 33/103, 261
 Mandat, Lieutenant-gouverneur RG 33/130, 338
 Manitoba RG 33/2, 17; RG 33/5, 22; RG 33/22, 57;
 RG 33/23, 60; RG 33/50, 116; RG 33/70, 168;
 RG 33/79, 192; RG 33/87, 214; RG 33/95, 241; RG 33/111, 281; RG 33/120, 307;
 RG 33/124, 320; RG 33/126, 326
 Manitoba Grain Act RG 33/5, 22

- I-**
 Identité culturelle RG 33/28, 70
 Ile-du-Prince-Édouard RG 33/19, 51;
 RG 33/73, 176; RG 33/81, 200; RG 33/134,
 348
 Ilsley, J.L. RG 33/57, 132
 Immigration RG 33/99, 251; RG 33/145, 389;
 RG 33/146, 391
 Immigration, ministère de la Main-d'œuvre et de l'
 RG 33/9, 30
Immigration chinoise et japonaise en Colombie-
Britannique RG 33/145, 389
 Immigration chinoise RG 33/145, 389; RG 33/146, 391
Immigration de journalistes italiens à Montréal
 RG 33/99, 251
 Immigration japonaise RG 33/145, 389
 Importations, Automobiles RG 33/45, 103; RG 33/117,
 297; Boeuf RG 33/72, 173; Charbon
 RG 33/21, 55; RG 33/42, 98; RG 33/63, 147;
 Papier Journal RG 33/53, 123; Pétrole
 RG 33/116, 293
Imprimerie nationale RG 33/98, 249
 Imputabilité RG 33/122, 314
Incident du Northland, RG 33/59, 137
 Incitations irrégulières ou pressions exercées
 relativement à la demande d'extradition de
 Lucien Rivard RG 33/107, 273; RG 33/108,
 275; RG 33/115, 290; RG 33/133, 345;
 RG 33/147, 393
Industrie automobile RG 33/45, 103
 Industrie automobile RG 33/45, 103; RG 33/117, 297;
 RG 33/123, 318
Industrie canadienne de l'automobile RG 33/117, 297
 Industrie houillère RG 33/21, 55; RG 33/42, 98;
 RG 33/63, 147; RG 33/97, 246
Industrie pharmaceutique RG 33/135, 350
Industrie textile RG 33/20, 53
 Industries primaires, voir Boeuf et veau, Céréales,
 Chasse aux phoques, Mines, Papier Journal,
 Pêcheries, Pétrole, Rennes et boeufs musqués
 Industries secondaires, voir Manufactures
 Inglis Co. Ltd. (Toronto) RG 33/66, 155
 Inondations RG 33/33, 79
 Insolvabilité des banques RG 33/140, 370
 Intercolonial Railway, RG 33/12, 36; RG 33/73, 176
 Intérieur, ministère de l' RG 33/76, 183; RG 33/14, 40
 International Arms and Fuse Company (New York)
 RG 33/61, 140
 Intermement, Canadiens d'origine japonaise RG 33/69,
 163
 Inuit RG 33/138, 362
 Inventions, voir Brevets d'invention
 Irrégularités, Administration de l'assistance à l'agriculture
 des Prairies RG 33/75, 181; Chemin de fer
 Canadien Pacifique RG 33/1, 15; Comité des
 obus RG 33/61, 140; Commerce des
 assurances RG 33/4, 20; Contrat des
 mitrailleuses Bren RG 33/66, 155; Douanes et
 accise RG 33/88, 217
 Irvine, A.G. RG 33/2, 17
 Italie RG 33/99, 251
- J-**
 James, W. RG 33/48, 110
 Jamieson, Don RG 33/103, 261
 Japanese-Canadian Committee for Democracy
 RG 33/69, 163
 Japon RG 33/20, 53; RG 33/60, 138; RG 33/69, 163;
 RG 33/107, 273; RG 33/120, 307; RG 33/145,
 389
 Japonais, voir Canadiens d'origine japonaise
 Jasper (Alberta) RG 33/29, 73
 John Inglis Co. Ltd. (Toronto) RG 33/66, 155
 Johnston, Howard RG 33/106, 271
 Journaux RG 33/126, 326
 Justice, ministère de la RG 33/1, 15; RG 33/2, 17;
 RG 33/43, 100; RG 33/51, 118; RG 33/60,
 138; RG 33/88, 217; RG 33/92, 232;
 RG 33/93, 235; RG 33/96, 243; RG 33/106,
 271; RG 33/110, 278; RG 33/127, 328;
 RG 33/130, 338; RG 33/131, 340; RG 33/142,
 379
- K-**
 Kaplan, Robert P. RG 33/144, 386
 Keable, Jean RG 33/128, 331
 Keegstra, Jim RG 33/114, 386
 Keenan, John T. RG 33/121, 309
 Keenleyside, H.L. RG 33/29, 73
 Kilbourn, W. RG 33/39, 91
 King, James H. RG 33/86, 212
 King, W.L.M. RG 33/23, 60; RG 33/56, 130; RG 33/62,
 143; RG 33/66, 155; RG 33/88, 217;
 RG 33/120, 307
 Kirchner, Walter H. RG 33/85, 210
 Kitimat (C.-B.) RG 33/116, 293
 Kitimat Pipelines Ltd. RG 33/116, 293
 Kiondike, Rivière RG 33/110, 278
 Kyle, G.W. RG 33/61, 140
- L-**
 Labrador RG 33/119, 303
 Laforest, Janic RG 33/43, 100
 Laine RG 33/105, 269
 Lait écrémé en poudre RG 33/127, 328
 LaMarsh, Judy RG 33/89, 221
 Lamontagne, Maurice RG 33/80, 194
 Lamontagne, Pierre RG 33/93, 235
 Landreville, Léo A. RG 33/92, 232
 Lang, Otto RG 33/111, 281; RG 33/119, 303;
 RG 33/121, 309
 Laurendeau, André RG 33/80, 194
 Laurier, Wilfrid RG 33/2, 17; RG 33/3, 18; RG 33/76,
 183; RG 33/110, 278; RG 33/145, 389
 Le Devoir (Montréal) RG 33/80, 194
 Lelandre, André RG 33/93, 235
 Lettres RG 33/28, 70
 Lévesque, Gaston RG 33/96, 243
 Lew, David RG 33/146, 391
 Licences, Brevets de médicaments RG 33/135, 350;
 Radio et télévision RG 33/36, 85;
 Radiodiffusion RG 33/14, 40

Grand Trunk Pacific Railway RG 33/12, 36; RG 33/99, 251
 Grande-Bretagne RG 33/21, 55; RG 33/24, 62; RG 33/34, 81; RG 33/50, 116; RG 33/51, 118; RG 33/52, 121; RG 33/59, 137; RG 33/61, 140; RG 33/62, 143; RG 33/66, 155; RG 33/107, 273; RG 33/120, 307; RG 33/144, 386
 Grande dépression, voir Dépression des années 1930
 Grand lac des Esclaves (T.N.-O.) RG 33/41, 96
 Grands Lacs RG 33/34, 81; RG 33/94, 237
 GRC, voir Gendarmérie Royale du Canada
 Greene, J.J. RG 33/91, 228
 Greenpeace RG 33/138, 362
 Grèves, voir Conflits de travail
 Groupe de travail sur la commercialisation des pommes de terre RG 33/134, 348
Groupe de sociétés RG 33/113, 286
 Guerre, voir Première Guerre mondiale et Deuxième Guerre mondiale
 Guerre mondiale

-H-

Hahn, James E. RG 33/66, 155
 Halifax (N.-É.) RG 33/57, 132; RG 33/59, 137
 Hall, Francis RG 33/7, 26
 Hallucinations RG 33/101, 255
 Hamilton, William RG 33/47, 108
 Handicapés RG 33/133, 345
 Hangars d'exercice RG 33/8, 28
 Hanson and Mums RG 33/8, 28
 Hanson, R.B. RG 33/120, 307
 Harengs RG 33/132, 342
 Hargadon, Peter A. RG 33/141, 373
 Harris, Walter RG 33/35, 83
 Harrison, F.E. RG 33/97, 246
 Hartle, Douglas RG 33/122, 314
 Haut-Commissariat de Grande-Bretagne RG 33/62, 143
 Haviland Aviation du Canada Limitée RG 33/133, 345
 Hays, Harry RG 33/75, 181
 Hazel, Ouragan RG 33/33, 79
 Heeney, Arnold RG 33/46, 105
 Hellyer, Paul RG 33/103, 261
 Herwig, J.C.G. RG 33/68, 160
 Hessler, Gerta, voir Munsinger, Gerta
 Hibernia RG 33/136, 353
 Higgitt, W.L. RG 33/71, 171
 Hinton (Alberta) RG 33/143, 383
 Home Bank of Canada RG 33/140, 370
 Hong Kong RG 33/120, 307
 Hongrie RG 33/141, 373
 Hôpital Shughnessy (Vancouver) RG 33/85, 210
 Horner, Jack RG 33/117, 297
Houille RG 33/42, 98
 Houille, voir Charbon
 House, John Douglas RG 33/139, 366
 Howe, C.D. RG 33/39, 91; RG 33/56, 130; RG 33/63, 147
 Hughes, Sam RG 33/61, 140
 Hunter (Ontario), Vallée de la rivière RG 33/33, 79
 Huntington, Lucius S. RG 33/1, 15
 Grains, voir Céréales
Grains RG 33/22, 57
 Gouzenko, Igor RG 33/62, 143
 Gordon, Walter RG 33/35, 83; RG 33/48, 110
 Gordon, Peter RG 33/102, 259
 Golfe du Saint-Laurent RG 33/7, 26
Globe and Mail (Toronto) RG 33/65, 152
 Gillespie, Alastair RG 33/102, 259
 Gibson, William RG 33/4, 20
 Gestion financière inadéquante, voir Allégations de
Gestion financière et imputabilité RG 33/122, 314
 General Motors RG 33/117, 297
 RG 33/128, 331
 171; RG 33/93, 235; RG 33/96, 243;
 RG 33/60, 138; RG 33/62, 143; RG 33/71,
 Gendarmerie royale du Canada (GRC) RG 33/9, 30;
 232
 Gaz naturel RG 33/30, 75; RG 33/39, 91; RG 33/92,
 Gaudreault, Rémi RG 33/43, 100
 -G-

Fulton, Davie RG 33/96, 243
côte du Pacifique RG 33/146, 391
Fraude des Chinois et contrebande d'opium sur la
 Fraude, voir Allégations de
 Fraternité des postiers RG 33/90, 225
 Fraternité des Indiens RG 33/108, 275
 Française, Langue RG 33/121, 309
 Fox, Francis RG 33/128, 331
 Foster, Edward RG 33/146, 391
 Ford RG 33/117, 297
 Forces armées canadiennes RG 33/144, 386
 Forage RG 33/136, 353
 Fonds publics RG 33/82, 203; RG 33/122, 314
 RG 33/138, 362
 Fonds international pour la défense des animaux
 Fonds du revenu consolidé RG 33/141, 373
Chambre des communes RG 33/114, 289
 Fonctionnement de la Direction juridique de la
 Fonctionnaires publics RG 33/62, 143
 Fonctionnaires RG 33/76, 183; RG 33/77, 185
 RG 33/133, 345
 185; RG 33/80, 194; RG 33/83, 205;
 RG 33/46, 105; RG 33/68, 160; RG 33/77,
 Fonction publique RG 33/15, 42; RG 33/26, 66;
 Florence, A.L. et Fils RG 33/98, 249
 Fleming, Donald RG 33/48, 110
 RG 33/38, 89; RG 33/65, 152
 Fiscalité RG 33/23, 60; RG 33/24, 62; RG 33/25, 64;
Fiscalité RG 33/65, 152
Finances de Terre-Neuve RG 33/38, 89
 Finances RG 33/17, 46; RG 33/64, 149
 203; RG 33/139, 366; RG 33/141, 373
 RG 33/64, 149; RG 33/77, 185; RG 33/82,
 RG 33/24, 62; RG 33/35, 83; RG 33/53, 123;
 RG 33/15, 42; RG 33/19, 51; RG 33/20, 53;
 Finances, ministère RG 33/4, 20; RG 33/13, 38;
 Films RG 33/28, 70
 Fielding, W.S. RG 33/77, 185
 345
 Femmes RG 33/48, 110; RG 33/89, 221; RG 33/133,
 Federation of Canadian Artists RG 33/28, 70

- DOFASCO (Dominion Foundries and Steel Ltd.) RG 33/102, 259
- Doiron, Lawrence RG 33/9, 30
- Dominion Marine Association RG 33/34, 81
- Dominion Textile Company RG 33/20, 53
- Dorval, Aéroport international de Montréal RG 33/84, 207; RG 33/87, 214
- Douanes et accise RG 33/88, 217**
- Douanes et Accise, ministère RG 33/88, 217
- Douglas, T.C. RG 33/93, 235
- Drew, George RG 33/46, 105; RG 33/66, 155; RG 33/120, 307
- Drogués, opium RG 33/146, 391
- Drogues, Usage à des fins non médicales RG 33/101, 255
- Droit d'auteur RG 33/32, 77
- Droit (Le) pénal dans la société canadienne* RG 33/142, 379
- Droit pénal en matière de psychopathie sexuelle criminelle RG 33/131, 340**
- Droits des Maritimes RG 33/73, 176
- Droits et revendications des Indiens RG 33/108, 275; RG 33/115, 290
- Dubé, Jean-Eudes RG 33/112, 284
- Dunning C.A. RG 33/23, 60
- E-
- Eatons (Compagnie T. Eaton) RG 33/18, 48
- Écarts de prix RG 33/18, 48**
- Écarts de prix des denrées alimentaires RG 33/40, 94**
- Écrasement d'un avion à Rea Point, dans les Territoires du Nord-Ouest RG 33/106, 271**
- Écrasement d'un avion à Ste-Thérèse-de-Blainville (Québec) RG 33/84, 207**
- Éditeurs de journaux RG 33/53, 123
- Edmonton (Alberta) RG 33/116, 293; RG 33/140, 370
- Edson (Alberta), Subdivision d' RG 33/143, 383
- Éducation RG 33/80, 194
- Edwards Valve Company, Chicago RG 33/61, 140
- Effondrement du pont de Québec RG 33/6, 24
- Égalité en matière d'emploi RG 33/133, 345**
- Élections, Élections générales de 1872 RG 33/1, 15; RG 33/83, 205; de 1921 RG 33/73, 176; de 1896 RG 33/2, 17; de 1911 RG 33/51, 118; RG 33/63, 205; de 1921 RG 33/73, 176; de 1925 RG 33/73, 176; de 1945 RG 33/57, 132; de 1957 RG 33/40, 94; de 1958 RG 33/41, 96; RG 33/49, 113; de 1962 RG 33/65, 152; de 1963 RG 33/80, 194; de 1974 RG 33/102, 259; Élections provinciales, Alberta RG 33/51, 118; Québec (1976) RG 33/118, 300; Saskatchewan RG 33/50, 116
- Embargo arabe RG 33/116, 293
- Émeutes, voir Désordres
- Emploi de chauffeurs sur les locomotives diesel du chemin de fer Canadien Pacifique RG 33/37, 87**
- Emploi, Équité en matière d' RG 33/133, 345
- Emploi et Immigration, ministère RG 33/133, 345; RG 33/139, 366
- Employeurs et employés, Relations RG 33/95, 241
- Énergie RG 33/39, 91**
- « C.C.F. »
- Fédération du Commonwealth coopératif, voir universités RG 33/89, 221
- Fédération canadienne des femmes diplômées des Federal Trade Commission, États-Unis RG 33/53, 123
- Favreau, Guy RG 33/93, 235
- Favoritisme, voir Allégations de partialité politique
- Fausse représentation, voir Allégations de
- la Norbanque RG 33/140, 370**
- Faillite de la Banque Commerciale du Canada et de -F-**
- RG 33/93, 235**
- Extradition de Lucien Rivard (Affaire Rivard) RG 33/103, 261; RG 33/112, 284**
- Exportation RG 33/45, 103
- Exportations, Boeuf RG 33/72, 173; Bois à pâte RG 33/13, 38; Énergie RG 33/39, 91; Grains RG 33/22, 57; Lait écrémé en poudre RG 33/127, 328; Papier journal RG 33/53, 123; Peaux de phoques RG 33/138, 362; Pétrole brut RG 33/116, 293; Poisson d'eau douce RG 33/79, 192; Poisson salé RG 33/81, 200; Pommes de terre RG 33/134, 348; Véhicules à moteur et pièces détachées RG 33/45, 103
- Exploration pétrolière dans les Territoires du Nord-Ouest et au Yukon RG 33/30, 76**
- Yukon RG 33/31, 76
- Exploitation des mines de quartz et de placent du RG 33/56, 130**
- Événements de juillet 1941 à Arvida (Québec) RG 33/56, 130
- Évacuation, Mississauga RG 33/125, 323
- Etobicoke, Ruisseau (Ontario) RG 33/33, 79
- Etobicoke (Ontario) RG 33/125, 323
- États-Unis, Ambassade des RG 33/112, 284
- RG 33/144, 386
- 297; RG 33/136, 353; RG 33/137, 358; RG 33/107, 273; RG 33/116, 293; RG 33/117, 235; RG 33/94, 237; RG 33/99, 251; RG 33/72, 173; RG 33/89, 221; RG 33/93, 140; RG 33/62, 143; RG 33/63, 147; RG 33/47, 108; RG 33/53, 123; RG 33/61, 140; RG 33/28, 70; RG 33/34, 81; RG 33/46, 105; RG 33/6, 24; RG 33/12, 36; RG 33/14, 40; États-Unis RG 33/1, 18; RG 33/3, 18; RG 33/4, 20
- État des archives fédérales du Canada RG 33/11, 34**
- Esssex, Comité d' (Ontario) RG 33/67, 158
- Esquimaux, voir Inuit
- Gouzenko (RG 33/62, 143**
- Espionnage au sein du gouvernement (Affaire Kong RG 33/120, 307**
- Espionnage RG 33/62, 143; RG 33/96, 243
- Envoi du Corps expéditionnaire canadien à Hong Environnement RG 33/116, 293**
- of Canada (1923) RG 33/140, 370
- Enquête fédérale sur l'effondrement de la Home Bank RG 33/132, 342
- Enquête fédérale sur le saumon du Pacifique (1939) RG 33/132, 342
- Énergie atomique du Canada Ltée. RG 33/133, 345
- Énergie, voir Charbon, Gaz naturel et Pétrole
- Énergie (RG 33/39) RG 33/42, 98

Congédlement de George Walker de l'Administration de l'Assistance à l'Agriculture des Prairies RG 33/75, 181
 Conglomérats RG 33/13, 286
 Conseil d'examen du prix des médicaments brevetés RG 33/135, 350
 Conseil des commissaires aux chemins de fer RG 33/27, 68; RG 33/49, 113
 Conseil des producteurs de pommes de terre de l'Est du Canada RG 33/134, 348
 Conseil du canton de Pickering RG 33/103, 261
 Conseil du Trésor RG 33/29, 73; RG 33/122, 314
 Conseil national de commercialisation des produits agricoles RG 33/134, 348
 Conseil national du travail en temps de guerre RG 33/97, 246
 Conseil privé, voir Comité du Conseil privé
 Consolidated Mining and Smelting Company RG 33/41, 96
 Consommateurs RG 33/18, 48; RG 33/21, 55; RG 33/40, 94; RG 33/45, 103; RG 33/72, 173; RG 33/79, 192
 Constitution du Canada RG 33/18, 300
 Construction de chemins de fer RG 33/99, 251
Construction de hangars d'exercice dans la province de l'Ontario RG 33/8, 28
 Construction de navires RG 33/34, 81
 Continental Investment Corporation Ltd. RG 33/92, 232
Contrat relatif à la mitrailleuse Bren RG 33/66, 155
 Contrats, Comité des abus RG 33/61, 140; Construction de hangars d'exercice (Ontario) RG 33/8, 28; Mitrailleuse Bren RG 33/66, 155
Contrats du Comité des abus RG 33/61, 140
 Contrebande RG 33/88; RG 33/146, 391
 Contrôle aérien RG 33/121, 309
 Contrôleur général RG 33/122, 314
 Cooper, Theodore RG 33/6, 24
Coopératives RG 33/25, 64
 Cordasco, Antonio RG 33/99, 251
 Corporations de familles, Taxation des RG 33/24, 62
 Corps expéditionnaire canadien RG 33/59, 137; RG 33/120, 307
 Corruption, voir Allégations de
 Côte, Chas. D. RG 33/82, 203
 Court d'appel des pensions RG 33/74, 179
 Cour de l'Échiquier RG 33/69, 163
 Cour fédérale, voir Cour de l'Échiquier
 Cour suprême de l'Ontario RG 33/92, 232
 Cour suprême du Canada RG 33/50, 116; RG 33/51, 118
Courses de chevaux et paris au Canada RG 33/55, 128
 Coût de la vie RG 33/58, 135
 Coûts du transport du grain par rail (RG 33/124) RG 33/111, 281
 Cox, George A. RG 33/4, 20
 Coyne, James E. RG 33/48, 110; RG 33/64, 149
 Crawley, H. O. RG 33/7, 26
Criminels de guerre RG 33/144, 386
 Crosby, Leonard RG 33/147, 393
 Crowse, L. R. RG 33/40, 94
 Dixon-Speas Associates RG 33/87, 214

Cuba RG 33/127, 328; RG 33/141, 373
 Cumberland, Bassin de RG 33/7, 26
 D-
 Dae, Michael RG 33/128, 331
 Dartmouth (N.-É.) RG 33/57, 132
 Davey, Keith RG 33/126, 326
 Davies, Louis RG 33/4, 20
 Davies, W. F. RG 33/75, 181
 Deans, John RG 33/6, 24
 DeBané, Pierre RG 33/128, 331
Défense d'aliénation mentale en matière criminelle RG 33/130, 338
 Défense d'aliénation mentale en matière civile (RG 33/130) RG 33/131, 340
 Défense du Canada, Textes réglementaires RG 33/60, 138
 Défense nationale, ministère de la RG 33/66, 155
Demandes des houlleurs de l'Ouest canadien RG 33/97, 246
Demandes d'indemnisation de certains pêcheurs canadiens pratiquant la pêche pélagique du phoque RG 33/107, 273
 Démobilisation RG 33/68, 160
 Denis, Raymond RG 33/93, 235
 Denrées alimentaires RG 33/40, 94
 Députés RG 33/112, 284
 Dépression des années 1870 RG 33/7, 26
 Dépression des années 1930 RG 33/16, 44; RG 33/17, 46; RG 33/23, 60
 Détaillants, Hinton RG 33/143, 383; Mississauga RG 33/125, 323
 Derrickson, Ronald RG 33/147, 393
Désastre marin de l'Ocean Ranger RG 33/136, 353
 Désordres, Arvida RG 33/56, 130; Halifax RG 33/57, 132
Désordres survenus à Halifax les 7 et 8 mai 1945 RG 33/57, 132
 Dessins industriels RG 33/32, 77
 Détaillants RG 33/18, 48; RG 33/40, 94; RG 33/72, 173
Détermination de la peine RG 33/142, 379
Détournement de fonds de Martineau RG 33/82, 203
 Deuxième Guerre mondiale RG 33/25, 64; RG 33/49, 113; RG 33/56, 130; RG 33/57, 132; RG 33/58, 135; RG 33/60, 138; RG 33/63, 147; RG 33/64, 149; RG 33/67, 158; RG 33/69, 163; RG 33/97, 246; RG 33/100, 253; RG 33/145, 389
 Diefenbaker, John RG 33/40, 94; RG 33/41, 96; RG 33/46, 105; RG 33/48, 110; RG 33/65, 152; RG 33/78, 188; RG 33/96, 243
 Direction des enquêtes sur les accidents maritimes RG 33/136, 353
 Direction juridique de la Chambre des communes RG 33/114, 289
 Discours du Trône RG 33/3, 18; RG 33/28, 70; RG 33/73, 176; RG 33/134, 348
 Discrimination dans l'emploi RG 33/133, 345
Distribution des wagons couverts RG 33/70, 168
 Diubaldo, Richard RG 33/105, 269
 Dixon-Speas Associates RG 33/87, 214

- Comités, Comité de mineurs RG 33/76, 183; Comité de rédaction des publications gouvernementales RG 33/98, 249; Comité des abus RG 33/61, 140; Égalité des femmes au Canada RG 33/89, 221; Fédéral-provincial des pêcheries dans les Prairies RG 33/79, 192
- Comités de la Chambre des communes, Accusations de Huntingdon RG 33/1, 15; Agriculture et colonisation RG 33/91, 228; Bile RG 33/22, 57; Canadian Pacific RG 33/1, 15; Chemins de fer et expédition RG 33/16, 44; Comité agricole RG 33/5, 22; Comité spécial chargé d'enquêter sur l'administration du ministère des Douanes et de l'Accise RG 33/88, 217; Comptes publics RG 33/48, 110; RG 33/69, 163; Écarts de prix RG 33/18, 48; Privileges et élections RG 33/75, 181; Prix RG 33/58, 135; Rénovation et restauration RG 33/28, 70
- Comités du Sénat, Affaires extérieures RG 33/117, 297; Emploi et main-d'œuvre RG 33/48, 110; Mass-médias (Davey) RG 33/126, 326
- Comités interministériels, Employés des catégories scientifiques et professionnelles RG 33/26, 66; Réintégration RG 33/68, 160
- Comités mixtes, Cabinet fédéral et Fraternité des Indiens RG 33/108, 275; Chambre des communes et Sénat RG 33/130, 338
- Commerce, voir Importations et Exportations
- Commerce, Assurances sur la vie RG 33/4, 20; Banque et monnaie RG 33/17, 46; Banques et finances RG 33/64, 149; Coopératives RG 33/25, 64; Écarts de prix RG 33/18, 48; Effondrement de la BCC et de la Norbanque RG 33/140, 370; Fiscalité RG 33/65, 152; Groupements de sociétés RG 33/113, 286; Prix RG 33/58, 135
- Commerce, ministère du RG 33/5, 22; RG 33/22, 57; RG 33/70, 168; RG 33/146, 391
- Commerce de détail RG 33/18, 48; RG 33/40, 94; RG 33/72, 173
- Commerce des grains RG 33/5, 22**
- Commerce intérieur RG 33/34, 81
- Commerce international RG 33/129, 335; RG 33/137, 358
- Commerce international, ministère du RG 33/138, 362
- Commercial Protective Association RG 33/88, 217
- Commercialisation, voir Mise en marché
- Commissaires du port de Toronto RG 33/54, 126
- Commission Abella RG 33/133, 345
- Commission Aird RG 33/14, 40
- Commission Bird RG 33/69, 163
- Commission Bladen RG 33/45, 103
- Commission Borden RG 33/39, 91
- Commission Bryce RG 33/113, 286
- Commission canadienne des pensions RG 33/85, 210
- Commission canadienne des transports RG 33/11, 281; RG 33/124, 320
- Commission canadienne du blé RG 33/22, 57; RG 33/70, 168; RG 33/111, 281; RG 33/124, 320
- Commission canadienne du lait RG 33/127, 328
- Commission Carter RG 33/65, 152
- Commission Courtnay RG 33/77, 185
- Commission de la Fonction publique RG 33/15, 42; RG 33/46, 105; RG 33/83, 205
- Commission d'enquête sur l'aéroport RG 33/103, 261**
- Commission d'enquête sur l'emploi et le chômage (Terre-Neuve) RG 33/139, 366
- Commission d'enquête sur des opérations policières en territoire québécois (Commission Keable) RG 33/128, 331
- Commission de réforme du droit RG 33/142, 379
- Commission Deschênes RG 33/144, 386
- Commission des droits des Indiens RG 33/115, 290
- Commission O'Leary RG 33/47, 108
- Commission on Royal American Shows (Alberta) RG 33/128, 331
- Commission Pépin-Roberts RG 33/118, 300
- Commission Porter RG 33/64, 149
- Commission Rowell-Sirois RG 33/23, 60
- Commission Spence RG 33/96, 243
- Commission Stevens RG 33/18, 48
- Commission sur l'affaire McInnis (N.-É.) RG 33/128, 331
- Commission Turgeon RG 33/22, 57
- Commissions Hoover (États-Unis) RG 33/46, 105
- Communauté économique européenne (CEE) RG 33/138, 362
- Communications RG 33/14, 40; RG 33/28, 70; RG 33/36, 85; RG 33/44, 101; RG 33/80, 194; RG 33/121, 309; RG 33/126, 326
- Compagnies des chemins de fer nationaux du Canada RG 33/16, 44; RG 33/27, 68; RG 33/73, 176; RG 33/119, 303; RG 33/143, 383
- Compagnies pharmaceutiques, Produits brevetés et produits génériques RG 33/135, 350
- Compensations, Canadiens d'origine japonaise RG 33/69, 163; Pêcheurs de phoques RG 33/107, 273; Réclamations étrangères RG 33/141, 373
- Concentration, Journaux RG 33/126, 326
- Concession Treadgold et autres concessions dans le Territoire du Yukon RG 33/110, 278**
- Concessions hydrauliques (Yukon) RG 33/110, 278
- Conditions de travail au ministère des Postes RG 33/90, 225**
- Confédération RG 33/7, 26; RG 33/50, 116; RG 33/51, 118; RG 33/52, 121; RG 33/73, 176; RG 33/80, 194; RG 33/118, 300; RG 33/119, 303
- Conférences fédérales-provinciales RG 33/78, 188; RG 33/79, 192; RG 33/81, 200
- Conflit de travail à l'usine de Windsor de la société Chrysler Canada RG 33/123, 318**
- Conflits de travail, Aluminium RG 33/56, 130; Chaudières de locomotives diesel RG 33/37, 87; Chemins de fer RG 33/27, 68; RG 33/49, 113; Contrôleurs de la circulation aérienne RG 33/121, 309; GRC RG 33/71, 171; Houillères RG 33/97, 246; Industrie RG 33/95, 241; Industrie textile RG 33/20, 53; Ministère des Postes RG 33/90, 225; Pilotes de bateaux RG 33/94, 237; Usine Chrysler à Windsor RG 33/123, 318

Bureau de distribution des imprimés du gouvernement
RG 33/98, 249
Bureau de tourisme du gouvernement canadien
RG 33/129, 335
Bureau des commissaires des pensions RG 33/74, 179
Bureau des gouverneurs de la radiodiffusion RG 33/44, 101
Bureau du commissaire de l'or RG 33/76, 183
Bureau, Jacques RG 33/88, 217
Burns, George E. RG 33/99, 251
Butler, Allan M. RG 33/57, 132
Butt, W.H. RG 33/119, 303
Byer, S.M. RG 33/9, 30
Byng, Lord RG 33/88, 217
-C-
Cabinet, voir Comité du Conseil privé
Cabotage RG 33/34, 81
Cahan, C.H. RG 33/100, 253
Caisse des réclamations étrangères RG 33/141, 373
Caldwell, E.B. RG 33/61, 140
Calgary RG 33/140, 370
California Standard Company RG 33/30, 75
Canada Life Assurance Company RG 33/4, 20
Canadian Broadcasting Corporation, voir Société Radio-Canada
Canadian Combats Veterans Association Inc., Vancouver RG 33/85, 210
Canadian Northern Railway RG 33/12, 36
Canadian Shipbuilding and Ship Repairing Association RG 33/34, 81
Canadiens d'origine japonaise RG 33/60, 138;
RG 33/69, 163
Canadiens français RG 33/80, 194
Cannabis RG 33/101, 255
Cap-Breton, île du (Nouvelle-Écosse) RG 33/42, 98
Capitaton, immigrants chinois RG 33/145, 389
Cardin, Lucien RG 33/89, 221; RG 33/96, 243
Cardin, P.J.A. RG 33/14, 40
Carvell, F.B. RG 33/61, 140
Casgrain, J. Chase RG 33/110, 278
Catastrophes, voir Accidents
C.C.F. (Fédération du Commonwealth coopératif)
RG 33/69, 163; RG 33/85, 210
Céréales RG 33/5, 22; RG 33/22, 57; RG 33/70, 168; RG 33/111, 281; RG 33/124, 320
Certaines activités de la G.R.C. RG 33/128, 331
Chambre de commerce de Dawson RG 33/110, 278
Chambre de commerce des Maritimes RG 33/73, 176
Chambre de commerce du Canada RG 33/65, 152
Chambre des communes RG 33/114, 289
Chambre des communes, Comités, voir Comités
Charbon RG 33/63, 147
Charbon RG 33/21, 55; RG 33/42, 98; RG 33/63, 147
Charbon anthracite RG 33/21, 55
Chasse au phoque RG 33/107, 273; RG 33/138, 362
Châtelaire RG 33/89, 221
Chaudières de locomotives diesel RG 33/37, 87
CHEK-TV, Victoria RG 33/44, 101

Chemin de fer Canadien Pacifique (« Scandale du Canadien Pacifique ») RG 33/1, 15
Chemin de fer Canadien Pacifique RG 33/1, 15;
RG 33/12, 36; RG 33/16, 44; RG 33/37, 87;
RG 33/70, 168; RG 33/99, 251; RG 33/125, 323
Chemin de fer du Grand lac des Esclaves RG 33/41, 96
Chemins de fer RG 33/1, 15; RG 33/12, 36; RG 33/16, 44; RG 33/37, 87;
RG 33/49, 113; RG 33/70, 168; RG 33/73, 44; RG 33/27, 68; RG 33/37, 87; RG 33/41, 96; RG 33/49, 113; RG 33/70, 168; RG 33/73, 176; RG 33/109, 276; RG 33/111, 281; RG 33/119, 303; RG 33/124, 320; RG 33/125, 323; RG 33/143, 383
Chemins de fer et canaux, ministère des RG 33/6, 24; RG 33/16, 44
Chemins de fer et transports au Canada RG33/16, 44
Chemins de fer nationaux du Canada RG 33/133, 345
Cherry Point, État de Washington RG 33/116, 293
Chignectou, Isthme RG 33/7, 26
Chine RG 33/141, 373; RG 33/145, 389; RG 33/146, 391
Chiore RG 33/125, 323
Choquette, Gilles RG 33/127, 328
Choquette, Michel RG 33/127, 328
Chrétien, Jean RG 33/115, 290
Christie, Hôpital de la rue, Toronto RG 33/86, 212
Chrysler RG 33/117, 297; RG 33/123, 318
Citoyenneté RG 33/100, 253; RG 33/141, 373
Citoyenneté et Immigration, ministère de la RG 33/96, 243
Clark, Joe RG 33/126, 326
Clark, W.C. RG 33/26, 66
Classifications administratives du service public RG 33/26, 66
Claxton, Brooke RG 33/28, 70
Code criminel RG 33/130, 338; RG 33/131, 340;
RG 33/142, 379
Collège des médecins et chirurgiens, Saskatchewan RG 33/147, 393
Collingwood (Ontario) RG 33/8, 28
Colline parlementaire RG 33/112, 284
Colombie-britannique RG 33/44, 101; RG 33/60, 138;
RG 33/69, 163; RG 33/85, 210; RG 33/97, 246; RG 33/104, 265; RG 33/109, 276; RG 33/116, 293; RG 33/126, 326; RG 33/132, 342; RG 33/145, 389; RG 33/146, 391;
RG 33/147, 393
Comité Armstrong, État de New York RG 33/4, 20
Comité consultatif, Commission sur l'assurance-chômage RG 33/48, 110; Démobilisation et réintégration, RG 33/68, 160
Comité du Conseil privé RG 33/10, 32; RG 33/44, 101;
RG 33/80, 194; RG 33/95, 241; RG 33/103, 261
Comité intergouvernemental de commercialisation du poisson d'eau douce RG 33/79, 192
Comité judiciaire, Conseil privé RG 33/50, 116;
RG 33/51, 118

- Anderson, Doris RG 33/89, 221
 Andras, J.C. RG 33/90, 225
 Andras, Robert RG 33/122, 314
 Angletterre, voir Grande-Bretagne
 Anthracite, voir Charbon
Application de la Loi des pensions RG 33/74, 179
publique RG 33/77, 185
 Archambault, J.R. Omer RG 33/142, 379
 Archives RG 33/11, 34; RG 33/28, 70
 Archives fédérales du Canada RG 33/11, 34
 Archiviste fédéral RG 33/11, 34
 Arctique RG 33/105, 269
 Argentine RG 33/22, 57
 Argus Corporation Limited RG 33/13, 286
 Armée RG 33/56, 130; RG 33/59, 137; RG 33/120, 307
 Armement RG 33/66, 155
 Arts RG 33/28, 70
 Arvida (Québec) RG 33/56, 130
 Association canadienne d'études fiscales RG 33/65, 152
 Association canadienne des pilotes de lignes aériennes (CALPA) RG 33/121, 309
 Association canadienne du contrôle du trafic aérien (CATCA) RG 33/121, 309
 Association de la presse canadienne RG 33/53, 123
 Association des anciens combattants RG 33/74, 179
 Association des fabricants de papier RG 33/53, 123
 Association des gens de l'air du Québec RG 33/121, 309
 Association des manufacturiers canadiens RG 33/65, 152
 Association internationale des étudiants en sciences bibliques RG 33/14, 40
 Association libérale de Dawson RG 33/110, 278
 Association médicale canadienne RG 33/78, 188
 Association nationale des Canadiens d'origine japonaise RG 33/69, 163
 Association of Allied Tribes of British Columbia RG 33/104, 265
 Assurances, Chômage RG 33/48, 110; RG 33/139, 366;
 Santé RG 33/78, 188; Vie RG 33/4, 20
Assurance-chômage RG 33/139, 366
Assurances sur la vie RG 33/4, 20
 Attlee, Clément RG 33/62, 143
 Autochtones, voir Indiens ou Inuit
 Automobiles RG 33/45, 103; RG 33/117, 297;
 RG 33/123, 318
Avancement des arts, lettres et sciences au Canada RG 33/28, 70
 Avancement des arts, lettres et sciences au Canada (RG 33/28) RG 33/36, 85
Avantages commerciaux découlant de la construction du canal de la baie Verte RG 33/7, 26
Avenir de la base de révision des Lignes aériennes Trans-Canada à l'aéroport international de Winnipeg RG 33/87, 214
 Aviation RG 33/103, 261; RG 33/106, 271; RG 33/121, 309
 Bureaux canadiens des valeurs immobilières RG 33/67, 158
 Aziz, Moses RG 33/88, 217
 Axworthy, Lloyd RG 33/133, 345
 (Québec) RG 33/43, 100
 Aviation royale du Canada, Station de Mont-Apica
- B-**
 Baie de Fundy RG 33/7, 26
 Baie d'Hudson RG 33/52, 121
 Baie Verte, Canal RG 33/7, 26
 Bain, J.T. RG 33/87, 214
 Balcer, Léon RG 33/94, 237
Bande indienne de Westbank RG 33/147, 393
 Bandeen, Robert RG 33/119, 303
 Banff (Alberta) RG 33/29, 73
 Banque commerciale du Canada (BCC) RG 33/140, 370
 Banque de Montréal RG 33/82, 203
 Banque du Canada RG 33/23, 60; RG 33/64, 149;
 RG 33/140, 370
Banque et monnaie au Canada RG 33/17, 46
 Banque fédérale de développement RG 33/133, 345
 Barade RG 33/10, 32
 Barber, Lloyd RG 33/15, 290
 Barry (Ontario) RG 33/8, 28
 Barry, S.C. RG 33/75, 181
 Barwick, Walter RG 33/110, 278
 Bastford, Ron RG 33/106, 271
 Bassick, E.W. RG 33/61, 140
Bénéfices de la sidérurgie RG 33/102, 259
 Bennett, R.B. RG 33/18, 48; RG 33/23, 60
 Bentley, Tom RG 33/85, 210
 Bétail RG 33/72, 173
 Betty, Edward W. RG 33/16, 44
 Bibliothèques RG 33/28, 70
 Biculturalisme RG 33/80, 194
Bilinguisme dans les services de contrôle de la circulation aérienne au Québec RG 33/121, 309
 Bilinguisme RG 33/80, 194; RG 33/118, 300;
 RG 33/121, 309
Bilinguisme et biculturalisme RG 33/80, 194
 Black Dragon, société RG 33/60, 138
 Blackstock (Ontario) RG 33/8, 28
 Boeuf et veau RG 33/72, 173
 Boeuf musqué, voir Rennes et boeufs musqués
Bois à pâte RG 33/13, 38
 Bois à pâte RG 33/13, 38; RG 33/53, 123
 Boivin, George H. RG 33/88, 217
 Borden, Robert RG 33/50, 116; RG 33/51, 118;
 RG 33/61, 140; RG 33/83, 205
 Bowell, J.M. RG 33/146, 391
 Brampton (Ontario) RG 33/8, 28
Brevets, droit d'auteur, marques de commerce et brevets industriels RG 33/32, 77
 Brevets d'invention RG 33/32, 77; RG 33/135, 350
 British Canadian Engineering Ltd. RG 33/66, 155
 British War Office RG 33/61, 140; RG 33/66, 155
 Brotherhood of Locomotive Firemen and Enginemen RG 33/37, 87
 Brunet, Gilles RG 33/128, 331
 Bureau canadien des valeurs immobilières RG 33/67, 158

- A -

Accident ferroviaire de Mississauga RG 33/125, 323

Accidents, Accident ferroviaire de Mississauga

RG 33/125, 323; Collision ferroviaire de Hinton

RG 33/143, 383; Désastre marin de l'Océan

Ranger RG 33/136, 353; Écrasement d'un

avion à Rea Point RG 33/106, 271; Écrasement

d'un avion à Ste-Thérèse-de-Blainville

RG 33/84, 207; Effondrement du pont de

Québec RG 33/6, 24

Accord de libre-échange, Canada-États-Unis RG 33/137,

358

Accords financiers entre le Dominion et les

provinces maritimes RG 33/19, 61

Accusations d'ingérence politique portées contre

Edmond Louis Paradis RG 33/43, 100

Accusations d'irregularités contre l'administration de

l'assistance à l'agriculture des Prairies

RG 33/75, 181

Accusations de méfaits contre plusieurs

fonctionnaires du Yukon RG 33/76, 183

Achat de terrains situés dans le canton de

Sandwich West (Ontario), acquis en vertu

de la Loi sur les terres destinées aux

anciens combattants RG 33/67, 158

Achat en gros RG 33/18, 48

Acier RG 33/102, 259

Acte concernant le pilotage RG 33/94, 237

chemins de fer RG 33/99, 251

Acte d'immigration chinoise RG 33/145, 389

Action positive, voir Égalité en matière d'emploi

Activités de la société japonaise « Black Dragon »

en Colombie-Britannique RG 33/60, 138

Administration de l'aide aux agriculteurs des Prairies

(AAAP) RG 33/75, 181

Aéropport international de Montréal à Dorval RG 33/84,

207; RG 33/87, 214

Aéropport international de Toronto à Malton RG 33/103,

261

Aéropport international de Winnipeg RG 33/87, 214

Aéropport international Lester B. Pearson, voir Aéroport

international de Toronto à Malton

Affaire Gouzenko RG 33/62, 143

Affaire Lucien Rivard RG 33/93, 235

Affaire Martineau RG 33/82, 203

Affaire Munzinger RG 33/96, 243

Affaires des anciens combattants, ministère des

Affaires RG 33/67, 158; RG 33/68, 160; RG 33/85, 210

Affaires extérieures, ministère des RG 33/129, 335;

RG 33/141, 373

Affaires indiennes et du Nord canadien, ministère des

RG 33/147, 393

Agence de presse libre du Québec (APLQ) RG 33/128,

331

Agriculture RG 33/5, 22; RG 33/40, 94; RG 33/70, 168;

RG 33/72, 173; RG 33/75, 181; RG 33/91,

228; RG 33/111, 281; RG 33/124, 320;

RG 33/127, 328; RG 33/134, 348

Agriculture, ministère de l' RG 33/72, 173; RG 33/75,

181; RG 33/91, 228; RG 33/111, 281;

RG 33/124, 320; RG 33/127, 328

Air Canada RG 33/10, 32; RG 33/133, 345

Air Canada, voir aussi Lignes aériennes Trans-Canada

Alberta RG 33/22, 57; RG 33/29, 73; RG 33/41, 96;

RG 33/50, 116; RG 33/51, 118; RG 33/52,

121; RG 33/79, 192; RG 33/97, 246;

RG 33/111, 281; RG 33/116, 293; RG 33/124,

320; RG 33/140, 370; RG 33/143, 383

ALCAN (Aluminium Company of Canada) RG 33/56,

130

Algoma Steel Corporation Ltd. RG 33/102, 259

Aliénation d'imprimés au Bureau de distribution de

l'imprimerie nationale RG 33/98, 249

Allian, Hugh RG 33/1, 15

Allégations d'activités illégales, GRC RG 33/128, 331

Allégations de corruption, Hangars d'exercice en

Ontario RG 33/8, 28

Allégations de fausses représentation, Immigration des

italiens à Montréal RG 33/99, 251

Allégations de fraude, Concessions au Yukon

RG 33/110, 278; Immigration chinoise

RG 33/146, 391

Allégations de gestion financière inadéquate, Air

Canada RG 33/10, 32; Martineau RG 33/82,

203

Allégations de mauvaise administration, Bande

indienne de Westbank RG 33/147, 393

Allégations de mauvaise conduite, Agents de

l'immigration de Montréal RG 33/9, 30;

Fonctionnaires du Yukon RG 33/76, 183; Léo

A, Landreville RG 33/92, 232

Allégations de partisannerie politique, Application de

la Loi sur l'emploi dans la Fonction publique

RG 33/77, 185; Edmond Louis Paradis

RG 33/43, 100; Ministère du Rétablissement

des soldats dans la vie civile RG 33/86, 212;

Pontonnier de Stony Mountain RG 33/2, 17

Allégations de traitement injuste, Commission

canadienne du lait RG 33/127, 328

Allemagne RG 33/57, 132; RG 33/141, 373; RG 33/144,

386

Alliance de la Fonction publique du Canada RG 33/71,

171

Allison, J Wesley RG 33/61, 140

Allmand, Warren RG 33/127, 328

Aluminium RG 33/56, 130

American Ammunition Company, New York RG 33/61,

140

Anciens combattants RG 33/67, 158; RG 33/68, 160;

RG 33/69, 163; RG 33/74, 179; RG 33/85,

210; RG 33/86, 212

Rickard, Donald S. RG 33/128, 331
 Rindorf, Thibaudau RG 33/23, 60; RG 33/74, 179
 Riordon, Carl RG 33/95, 241
 Ritchie, J.A. RG 33/61, 140
 Roberts, John Parmenter RG 33/118, 300
 Robert, Michel RG 33/137, 358
 Roberts, Bennet John RG 33/17, 46
 Roney, Helen M. RG 33/90, 225; RG 33/91, 228;
 RG 33/105, 269
 Rutherford, F.S. RG 33/68, 160
 RG 33/105, 269
 Rutherford, John Gunion RG 33/55, 128;
 RG 33/88, 217
 Roy, Ernest RG 33/23, 60
 Rowell, Newton Wesley RG 33/110, 278
 Rowatt, Hugh Howard RG 33/110, 278
 Ross, Stewart R. RG 33/68, 160
 Ross, Henry Taylor RG 33/4, 20
 Ross, G.W. RG 33/25, 64
 Ross, Alex RG 33/74, 179
 Ross, H.V. RG 33/83, 205
 Ronke, H.V. RG 33/15, 42
 Ronson, W.C. RG 33/92, 232
 Row, J.C. RG 33/90, 225; RG 33/91, 228;
 RG 33/105, 269
 Roy, Ernest RG 33/88, 217
 Rowell, Newton Wesley RG 33/110, 278
 Rowatt, Hugh Howard RG 33/110, 278
 Ross, Stewart R. RG 33/68, 160
 Ross, Henry Taylor RG 33/4, 20
 Ross, G.W. RG 33/25, 64
 Ross, Alex RG 33/74, 179
 Ross, H.V. RG 33/83, 205
 Ronke, H.V. RG 33/15, 42
 Ronson, W.C. RG 33/92, 232
 Row, J.C. RG 33/90, 225; RG 33/91, 228;
 RG 33/105, 269
 Rutherford, F.S. RG 33/68, 160

-S-

Saucier, Guylaine RG 33/139, 366
 Savard, Adjutor RG 33/23, 60
 Scammell, E.H. RG 33/74, 179
 Scanders, F. MacLure RG 33/73, 176
 Scott, Frank Reginald RG 33/80, 194
 Seaman, Daryl Kenneth RG 33/137, 358
 Sellar, Robert Watson RG 33/46, 105
 Senn, Mark RG 33/18, 48
 Seymour, Nola K. RG 33/139, 366
 Shaw, Donald Bruce RG 33/3, 79
 Shaw, James Pearson RG 33/104, 265
 Sherwood, L.P. RG 33/74, 179
 Shortt, Adam RG 33/114, 289
 Shoyama, Thomas K. RG 33/137, 358
 Simms, Arthur RG 33/102, 259
 Sinclair, William Robert RG 33/121, 309;
 RG 33/142, 379
 Siros, Joseph RG 33/23, 60
 Skellton, Alex RG 33/23, 60
 Smells, F.S. RG 33/68, 160
 Smith, Alfred Holland RG 33/12, 36
 Smith, Ralph RG 33/145, 389
 Smith, Robert Knowlton RG 33/94, 237
 Snavely, Carl M., Jr. RG 33/124, 320
 Snider, Colin George RG 33/98, 249
 Soboda, Frances J. RG 33/139, 366
 Speden, Borden RG 33/126, 326
 Spence, Wishart Flett RG 33/34, 81; RG 33/96, 243
 Stefansson, Vilhjalmur RG 33/105, 269
 Stein, J. Peter RG 33/101, 255
 Stevens, Henry RG 33/18, 48
 Stevenson, William Alexander RG 33/106, 271
 Stewart, Andrew RG 33/35, 83; RG 33/40, 94;
 RG 33/44, 101
 Stewart, James RG 33/36, 85
 Stewart, John RG 33/112, 284
 Stewart, Lloyd RG 33/11, 281
 Stoner, Oliver Gerald RG 33/122, 314
 Strachan, Cecil Leslie RG 33/78, 188

-T-

Sulgit, Bernadette RG 33/133, 345
 Sullivan, Arthur RG 33/119, 303
 Surveyer, Arthur RG 33/28, 70
 Sutherland, Joseph G. RG 33/13, 38
 Sutherland, Mary RG 33/58, 135
 Taschereau, Robert RG 33/62, 143
 Templeman, Wilfred RG 33/138, 362
 Therrien, F. Eugène RG 33/46, 105
 Thompson, Andrew R. RG 33/116, 293
 Thompson, Donald Alexander RG 33/87, 214
 Thompson, John RG 33/74, 179
 Thoms, Esau RG 33/119, 303
 Topp, C.B. RG 33/74, 179
 Tory, Henry Marshall RG 33/21, 55
 Tremblay, J. Victorien RG 33/43, 100
 Turcotte, Edmond RG 33/36, 85
 Turgeon, William Ferdinand Alphonse RG 33/20, 53;
 RG 33/22, 57; RG 33/27, 68; RG 33/52, 121
 Tweedie, Thomas Mitchell RG 33/51, 118

-V-

Valiquette, J.G. RG 33/129, 335
 Van Horne, William Cornelius RG 33/3, 18
 Van Wart, Arthur F. RG 33/78, 188
 Vankoughnet, Sallier Jehoshaphat RG 33/1, 15
 Vaughan, J.J. RG 33/25, 64

-W-

Wade, Frederick Coate RG 33/2, 17
 Wagner, Claude RG 33/112, 284
 Wagner, F.G. RG 33/75, 181
 Wallace, Catherine T. RG 33/137, 358
 Wallace, James Gamble RG 33/100, 253
 Wallace, William Bernard RG 33/73, 176
 Walls, Charles E.S. Walls RG 33/65, 152
 Walsh, Albert Joseph RG 33/38, 89
 Walton, Dorothy RG 33/40, 94
 Watson, A. RG 33/69, 163
 Watts, Ronald L. RG 33/118, 300
 Webster, John Clarence RG 33/16, 44
 Wetmore, Edward Ludlow RG 33/104, 265
 White, Nathaniel W. RG 33/104, 265
 White, Smeaton RG 33/95, 241
 White, V.J. RG 33/69, 163
 White, William Thomas RG 33/17, 46; RG 33/19, 51
 Whiteley, Albert Spence RG 33/20, 53
 Wickwire, W.N. RG 33/34, 81
 Wilson, Donald K. RG 33/71, 171
 Wimmer, Ross RG 33/71, 171
 Winchester, John RG 33/99, 251
 Winter, Gordon A. RG 33/136, 353
 Winters, Robert Henry RG 33/85, 210
 Wong, Randal S.K. RG 33/142, 379
 Wood, W.C.H. RG 33/74, 179
 Wright, William Henry RG 33/88, 217
 Wyczynski, Paul RG 33/80, 194

-Y-

Yates, George W. RG 33/16, 44
 Young, Edward James RG 33/18, 48

MacKichan, Howard RG 33/40, 94
 Mackintosh, William Archibald RG 33/64, 149
 McLaurin, Colin Campbell RG 33/37, 87;
 RG 33/63, 147
 McLean, James Stanley RG 33/105, 269
 McLellan, Robert W. RG 33/13, 38
 McLeod, G. Gordon RG 33/34, 81
 Macmillan, Cyrus RG 33/73, 176
 Macmillan, Hugh Pattison RG 33/17, 46
 McNair, John Babbitt RG 33/38, 89
 McNair, William L. RG 33/5, 22
 Macpherson, Murdock Alexander RG 33/49, 113
 McRuer, James Chalmers RG 33/130, 338;
 RG 33/131, 340
 McTague, Charles P. RG 33/49, 113
 MacTavish, Duncan Byron RG 33/4, 20
 Malouf, Albert H. RG 33/138, 362
 Mann, Howard RG 33/49, 113
 Manning, Marshall E. RG 33/41, 96
 Manson, Donald RG 33/14, 40
 Marchand, Jean RG 33/80, 194
 Marin, René J. RG 33/71, 171
 Marks, Ross RG 33/118, 300
 Marshall, Leslie M. RG 33/44, 101
 Martin, Roméo RG 33/40, 94
 Martin, William Melville RG 33/109, 276
 Martineau, Jean RG 33/37, 87
 Massey, Vincent RG 33/28, 70
 Master, Oliver RG 33/50, 116; RG 33/51, 118;
 RG 33/52, 121
 Mather, Barry RG 33/112, 284
 Matheson, Thomas Graham RG 33/95, 241
 Mathieson, John Alexander RG 33/19, 51
 Mercure, Gilles RG 33/64, 149
 Meredith, William Ralph RG 33/61, 140
 Messer, John R. RG 33/137, 358
 Michon, J.A. RG 33/24, 62
 Millar, John RG 33/5, 22
 Millar, Ross RG 33/74, 179
 Millar, Thomas B. RG 33/125, 323
 Milne, S.M. RG 33/65, 152
 Moffat, Robert E. RG 33/87, 214
 Montpetit, André RG 33/90, 225
 Moore, James J. RG 33/101, 255
 Moore, Thomas RG 33/95, 241
 Morgan, Moses O. RG 33/136, 353; RG 33/139, 366
 Morine, Alfred Bishop RG 33/83, 205
 Morrison, Angus J. RG 33/63, 147
 Morrison, Neil M. RG 33/80, 194
 Moxon, Arthur RG 33/16, 44
 Munn, Daniel James RG 33/145, 389
 Munro, John J. RG 33/139, 366
 Murphy, Dennis RG 33/146, 391
 Murray, Walter Charles RG 33/15, 42; RG 33/16, 44
 Myers, Richard RG 33/74, 179
 -N-
 Nadeau, Gilbert W. RG 33/94, 237
 Nadeau, Jean-Marie RG 33/25, 64
 Nadeau, Pierre A. RG 33/113, 286
 Neatby, Hilda RG 33/28, 70
 Nesbitt, Edward Walter RG 33/19, 51

Nield, E. RG 33/5, 22
 Nystrom, Lorne Edmund RG 33/112, 284
 -O-
 O'Connor, G.B. RG 33/97, 246
 O'Leary, Michael Gratian RG 33/47, 108;
 RG 33/112, 284
 O'Reilly, Ada RG 33/119, 303
 Ogilvie, Doris RG 33/89, 221
 Ogilvie, William RG 33/76, 183
 Olivier, Paul RG 33/140, 370
 Orateur de la Chambre des Communes
 RG 33/112, 284
 Orateur du Sénat RG 33/112, 284
 -P-
 Paish, George RG 33/12, 36
 Panet, Edouard de Bellefeuille RG 33/26, 66
 Pardy, N. Bruce RG 33/136, 353
 Parkinson, Joseph Frederick RG 33/39, 91
 Pataras, Bruno J. RG 33/142, 379
 Paterson, A. RG 33/41, 96
 Patrinquin, Harry O. RG 33/29, 73
 Patry-Cullen, Lydia RG 33/72, 173
 Pauzé, Frank RG 33/95, 241
 Payne, C.H. RG 33/19, 51
 Pearson, Lester Bowles RG 33/18, 48
 Pelletier, Paul RG 33/36, 85
 Pépin, Jean-Luc RG 33/118, 300
 Perrault, Joseph Xavier RG 33/3, 18
 Perry, J. Harvey RG 33/65, 152
 Petich, Howard E. RG 33/103, 261
 Petrie, Joseph Richards RG 33/48, 110
 Picard, Laurent A. RG 33/126, 326; RG 33/137, 358
 Picard, Joseph RG 33/13, 38
 Pitfield, P. Michael RG 33/47, 108
 Platt, Arnold RG 33/49, 113
 Platt, Helen M. RG 33/91, 228
 Plouffe, O.F. RG 33/121, 309
 Ploughman, Buford RG 33/119, 303
 Poirier, Gilles RG 33/138, 362
 Polette, Antoine RG 33/1, 15
 Pope, Harold Walpole RG 33/75, 181
 Pope, Joseph RG 33/11, 34
 Porter, Dana Harris RG 33/64, 149
 Potvin, Robert A. RG 33/71, 171
 Poulin, Hugh RG 33/112, 284
 Pratt, Brian RG 33/115, 290
 Pringle, Robert Abercrombie RG 33/8, 28;
 RG 33/53, 123
 Probe, John Oliver RG 33/85, 210
 -R-
 Rand, Ivan Cleveland RG 33/42, 98; RG 33/92, 232
 Ray, Ratna RG 33/118, 300
 Raynaud, André RG 33/80, 194
 Rayner, John RG 33/70, 168; RG 33/122, 314
 Reford, Robert RG 33/3, 18
 Reisman, S. Simon RG 33/17, 297
 Renwick, Harold Alexander RG 33/94, 237
 Richard, J. Marcel RG 33/121, 309

Harris, Joseph RG 33/130, 338
 Harrison, Charles RG 33/95, 241
 Harrison, Frederick Ernest RG 33/97, 246
 Harold, Gordon L. RG 33/64, 149
 Hayes, Frederick C. RG 33/142, 379
 Heald, Darrel Verner RG 33/121, 309
 Henripin, Jacques RG 33/89, 221
 Henry, Nicol RG 33/93, 235
 Herwig, J.C.G. RG 33/68, 160
 Hickman, T. Alexander RG 33/136, 353
 Hodgetts, John Edwin RG 33/122, 314
 Hodgins, Frank Egerton RG 33/59, 137
 Hogg, William Drummond RG 33/114, 269
 Holgate, Henry RG 33/6, 24
 Howard, J.S. RG 33/128, 331
 Howe, Thomas S. RG 33/77, 185
 Howland, Robert Dudley RG 33/39, 91; RG 33/63, 147
 Howland, William Pearce RG 33/7, 26
 Huggins, W.H. RG 33/107, 273
 Hughes, James R. RG 33/143, 363
 Humphrey, John P. RG 33/89, 221
 Humphrys, Richard RG 33/48, 110
 Hunter, Alfred Taylour RG 33/86, 212
 Hunter, G.R. RG 33/27, 68
 Hyndman, L.D. RG 33/97, 246

I-

Ilsley, James Lortmer RG 33/18, 48; RG 33/32, 77
 Innis, Harold Adams RG 33/27, 68
 Ives, William Carlos RG 33/24, 62

J-

Jack, Peter RG 33/7, 26
 Jaroslav, Bohdan Rudnycky RG 33/80, 194
 Jarvis, Ernest Frederick RG 33/11, 34
 Jerome, James Alexander RG 33/112, 284
 Johnson, H.R. RG 33/128, 331
 Johnston, John George RG 33/47, 108
 Jones, Murray V. RG 33/103, 261
 Jones, Robert Onville RG 33/130, 338

K-

Kellock, Roy Lindsay RG 33/37, 87; RG 33/57, 132;
 RG 33/62, 143

Keilman, John RG 33/74, 179
 Kennedy, Donald Macbeth RG 33/18, 48
 Kennedy, Harold RG 33/3, 18
 Kennedy, Wendy A. RG 33/135, 350
 Kennedy, William Walker RG 33/18, 48
 Kent, Thomas Leonard RG 33/4, 20; RG 33/82, 203
 Kent, Thomas Worral RG 33/126, 326
 Kerr, Apollis Bamber RG 33/13, 38
 Kerry, John George Gale RG 33/6, 24
 Kesten, H. Jory RG 33/10, 32
 Kidd, Cleve RG 33/40, 94
 Kinnear, Helen RG 33/130, 338; RG 33/131, 340
 Kovitz, Munei RG 33/118, 300

L-

L'Heureux-Dubé, Claire RG 33/9, 30
 Lacombe, G.A. RG 33/110, 278
 Lacoste, Paul RG 33/80, 194

Ladner, Leon Johnson RG 33/39, 91

Latrance, N. RG 33/78, 188

Laidlaw, A.M. RG 33/32, 77

Laidlaw, T.W. RG 33/97, 246

Lain, Gertrude M. RG 33/80, 194

Lake, Richard Stuart RG 33/83, 205

Lambert, Allen Thomas RG 33/122, 314

Lambert, Marcel RG 33/112, 284

Langdon, E.J. RG 33/142, 379

Lange, Lola M. RG 33/89, 221

Langford, James A. RG 33/112, 284

Langmuir, John Woodburn RG 33/4, 20

Lapointe, Jeanne RG 33/89, 221

Laprise, Gérard RG 33/112, 284

Laurendeau, André RG 33/80, 194

Lawrence, Joseph Wilson RG 33/7, 26

Le Dain, Gerald RG 33/101, 255

Leduc, P. D'Auteuil RG 33/88, 217

Lefebvre, Thomas-Henri RG 33/112, 284

Lefebvre Boulanger, Joseph-Oscar RG 33/18, 48

Lehman, Heinz E. RG 33/101, 255

Lehr, Reinhold RG 33/11, 281

Leith, J. Elizabeth RG 33/45, 103

Leman, Beaudry RG 33/16, 44; RG 33/17, 46

Leman, Paul H. RG 33/64, 149

Lemieux, François Xavier RG 33/88, 217

LePan, Douglas Valentine RG 33/35, 83

Létourneau, Séverin RG 33/56, 130

Lévesque, Georges Henri RG 33/28, 70

Lévesque, J. Louis RG 33/39, 91

Lewis, Lori M. RG 33/116, 293

Logan, Karen D. RG 33/144, 386

Lore, Leonor Fresnel RG 33/16, 44

Lussier, André RG 33/101, 255

Lussier, Omer RG 33/35, 83

Lyons, D.S. RG 33/68, 160

M-

McAllister, Robert Ian RG 33/138, 362

McCann, James Joseph RG 33/85, 210

McCutcheon, Malcolm Wallace RG 33/78, 188

McDonald, Frank G.J. RG 33/74, 179

McDonald David C. RG 33/128, 331

Macdonald, Donald Stovel RG 33/137, 358

McDonald, George C. RG 33/50, 116; RG 33/51, 118

McDonald, H.F. RG 33/74, 179

Macdonald, Thomas D. RG 33/141, 373

McDonough, J.M. RG 33/11, 281

McDougall, Errol Malcolm William RG 33/25, 64

McDougall, Pamela A. RG 33/129, 335

Macdowell, Day Hort RG 33/104, 265

McGarry, Moses Elijah RG 33/85, 210

MacGibbon, Duncan Alexander RG 33/24, 62

MacGill, Eisie Gregory RG 33/89, 221

McIlraith, George James RG 33/112, 284

McIvor, George H. RG 33/79, 192

Mackay, Robert Alexander RG 33/23, 60

Mackeen, John Crear RG 33/64, 149

Mackenna, James Andrew Joseph RG 33/104, 265

Mackenzie, Maxwell Weir RG 33/24, 62;

RG 33/72, 173

Mackenzie, Norman Archibald MacRae RG 33/28, 70

Corbin, Eymard-Georges RG 33/112, 284
 Cormier, Clément RG 33/80, 194
 Courtney, John Mortimer RG 33/77, 185;
 RG 33/82, 203
 Couvrette, Bernard RG 33/40, 94
 Cowan, Robert H. RG 33/111, 281
 Cowlin, Maureen E. RG 33/147, 393
 Crear, Thomas Alexander RG 33/52, 121
 Crevier, Etienne RG 33/48, 110
 Culpan, Lois RG 33/91, 228
 Curtis, Clifford Austin RG 33/58, 135
 Cushing, Gordon G. RG 33/39, 91
 -D-
 Datoe, John Wesley RG 33/23, 60
 Danby, E. Richard RG 33/132, 342
 Davis, Henry Hague RG 33/66, 155
 Dawson, John A. RG 33/40, 94
 Day, Archibald A. RG 33/28, 70
 Day, Charles Dewey RG 33/1, 15
 Deane, Francis J. RG 33/145, 389
 Denton, James Herbert RG 33/54, 126
 Deschatelets, Jean-Paul RG 33/112, 284
 Deschênes, Jules RG 33/144, 386
 Després, Robert RG 33/122, 314
 Desrochers, Gustave RG 33/130, 338; RG 33/131, 340
 Deutsch, John James RG 33/26, 66; RG 33/38, 89;
 Dick, Paul Wyatt RG 33/112, 284
 Dickerson, Robert W.V. RG 33/113, 286
 Dickson, R. Noel RG 33/130, 338; RG 33/131, 340
 Docquier, E. Gérard RG 33/137, 358
 Dompiere, Marcel A.J. RG 33/127, 328
 Doob, Anthony N. RG 33/142, 379
 Dorion, Frédéric RG 33/93, 235
 Doucet, Gerald W. RG 33/72, 173
 Doughty, Arthur George RG 33/11, 34
 Dowdeswell, Elizabeth RG 33/139, 366
 Drayton, Henry Lumley RG 33/12, 36
 Drummond, William Malcolm RG 33/40, 94
 Ducharme, Guillaume Narcisse RG 33/83, 205
 Duff, Lyman Poore RG 33/16, 44; RG 33/61, 140;
 RG 33/120, 307
 Duncan, Andrew Rae RG 33/73, 176
 Duntun, Arnold Davidson RG 33/80, 194
 Dysart, Andrew Knox RG 33/50, 116; RG 33/51, 118
 -E-
 Eastman, Harry C. RG 33/135, 350
 Edwards, Alexander McKay RG 33/18, 48
 Elliott, G.A. RG 33/25, 64
 Estley, William Zebedee RG 33/10, 32; RG 33/102, 259;
 RG 33/140, 370
 Evans John RG 33/118, 300
 -F-
 Factor, Samuel RG 33/18, 48
 Faladeau, Adrien RG 33/56, 130
 Faux, Audrey RG 33/103, 261
 Favreau, Guy RG 33/32, 77
 Finlayson, Ernest Herbert RG 33/13, 38
 Finlayson, Hu RG 33/72, 173
 Harlin, James Bernard RG 33/105, 269
 Hardy, Robert Macdonald RG 33/39, 91
 Hardman, John Ernest RG 33/110, 278
 Hampson, Harold Anthony RG 33/64, 149
 Hamilton, William M. RG 33/137, 358
 Hamilton, Horace RG 33/26, 66
 Hall, John E. RG 33/147, 393
 Hall, Emmett Matthew RG 33/78, 188; RG 33/111, 281
 -H-
 Gwyn, Nicholas RG 33/126, 326
 Gushue, Raymond RG 33/35, 83
 Gulland, John A. RG 33/138, 362
 Grindley, Thomas William RG 33/22, 57
 Griffin, A.G.S. RG 33/58, 135
 Grenville, David M. RG 33/136, 353
 Grenier, R.J. RG 33/46, 105
 Grauer, Albert Edward RG 33/35, 83
 Grant, Donald G. RG 33/65, 152
 Grange, Samuel G.M. RG 33/125, 323
 Gowan, James Robert RG 33/1, 15
 Gordon, Walter Lockhart RG 33/26, 66; RG 33/35, 83
 Gordon, Donald, Jr. RG 33/89, 221
 Goldie, George E. RG 33/5, 22
 Godsoe, J. Gérard RG 33/137, 358
 Gobeil, René RG 33/49, 113
 Glassco, John Grant RG 33/46, 105
 Girard, Alice RG 33/78, 188
 Gill, Ernest Clark RG 33/48, 110
 Gilbert, John RG 33/112, 284
 Gilbert, Guy RG 33/128, 331
 Gibson, James Douglas RG 33/64, 149
 Gibson, Hugh F. RG 33/103, 261; RG 33/127, 328
 Gibbons, C.H. RG 33/104, 265
 Geisdoerfer, Patrick A. RG 33/138, 362
 Garneau, John George RG 33/15, 42; RG 33/77, 185
 Gardiner, Thomas G. RG 33/26, 66
 Galbraith, John RG 33/6, 24
 Gainer, W.D. RG 33/41, 96
 Gagnon, Jean-Louis RG 33/80, 194
 -G-
 Fyshe, Thomas RG 33/77, 185
 Furst, Jan RG 33/136, 353
 Furlong, William H. RG 33/123, 318
 Fry, Edward Carey RG 33/3, 18
 Frith, Royce RG 33/80, 194
 Frigon, Augustin RG 33/14, 40
 Freeman, Gena RG 33/117, 297
 Fraser, Douglas N. RG 33/37, 87
 Francis, Anne (voir Florence Bayard Bird)
 Fowler, Robert McLaren RG 33/36, 85
 Fortington, A.E. RG 33/68, 160
 Forsey, Eugene Alfred RG 33/44, 101
 Forget, Claude E. RG 33/139, 366
 Forbes, Reginald E. RG 33/111, 281
 Foley, Christopher RG 33/145, 389
 Folsy, René Paul RG 33/143, 383
 Flavelle, Joseph Wesley RG 33/16, 44
 Firestone, O. John RG 33/78, 188
 Finn, Donovan B. RG 33/81, 200

INDEX DES PRÉSIDENTS, COMMISSAIRES ET SECRÉTAIRES OU DIRECTEURS EXÉCUTIFS

-A-

Abbott, Douglas Charles RG 33/112, 284
Abell, A. Sinclair RG 33/38, 89
Abella, Rosalie Silbermann RG 33/133, 345
Acworth, William Mitchell RG 33/12, 36
Addis, Charles Stewart RG 33/17, 46
Aird, John RG 33/14, 40
Allen, Kenneth Radway RG 33/138, 362
Allen, Mary Ann RG 33/134, 348
Allison, Carlyle RG 33/44, 101
Anderson, F.W. RG 33/49, 113
Anderson-Thompson, John RG 33/41, 96
Angus, Henry Forbes RG 33/23, 60; RG 33/27, 68
Anscornb, Herbert RG 33/49, 113
Anstie, William A. RG 33/13, 38
Archambault, J.R. Omer RG 33/142, 379
Armason, B.N. RG 33/25, 64
Ashdown, James Henry RG 33/3, 18
Ashfeld, Albert Henry Stanley RG 33/16, 44
Audet, Francis Joseph RG 33/11, 34
Audette, Louis Arthur RG 33/74, 179; RG 33/107, 273
Ayliward, Fintan J. RG 33/136, 353

-B-

Balch, Archibald H. RG 33/49, 113
Baltzan, David M. RG 33/78, 188
Barber, Clarence Lyle RG 33/91, 228; RG 33/137, 358
Barber, Lloyd I. RG 33/108, 275; RG 33/115, 290
Barbeau, Jean-Louis RG 33/18, 48
Barrow, F.L. RG 33/85, 210
Barsh, Russel Lawrence RG 33/138, 362
Bayless, B.M. RG 33/55, 128
Bazin, Philippe J. RG 33/77, 185
Bedard, Roger W. RG 33/79, 192; RG 33/81, 200
Bégin, Monique RG 33/89, 221
Bélanger, Paul RG 33/34, 81
Belcourt, Paul RG 33/66, 155
Bell, Benjamin Taylor A. RG 33/110, 278
Bell, Charles Napier RG 33/3, 18
Bell, Richard Albert RG 33/112, 284
Bell, Thomas RG 33/18, 48
Bengough, Thomas RG 33/95, 241
Bennett, Gordon L. RG 33/65, 152
Bennett, Roy F. RG 33/139, 366
Benoit, J. Pierre RG 33/96, 243
Bergeron, J.G.H. RG 33/104, 265
Bernier, Yves RG 33/94, 237
Bertram, John RG 33/3, 18
Bertrand, Marie-Andrée RG 33/101, 255
Bigelow, Henry Veeder RG 33/50, 116
Bird, Florence Bayard RG 33/89, 221
Bird, Henry Irvine RG 33/69, 163
Bisson, Claude RG 33/142, 379

-C-

Cameron, John Charles Alexander RG 33/60, 138
Campbell, J.C. RG 33/105, 269
Campbell, Thane Alexander RG 33/141, 373
Campbell, W. Kenneth RG 33/62, 143; RG 33/120, 307
Cantwell-Peters, Mary Angela RG 33/137, 358
Carey, W.A. RG 33/91, 228
Carmichael, Saumarez RG 33/104, 265
Caron, H. Marcel RG 33/122, 314
Carroll, William F. RG 33/63, 147
Carswell, John Balliol RG 33/33, 79
Carter, Francis G. RG 33/134, 348
Carter, Kenneth LeMesurier RG 33/65, 152
Cashin, Richard RG 33/118, 300
Casselman-Wadds, Jean RG 33/137, 358
Challies, George Swan RG 33/84, 207
Chaput-Rolland, Solange RG 33/118, 300
Chartrand, Albert J.C. RG 33/142, 379
Chouinard, Julien Honoré RG 33/121, 309
Christie, Kenneth J. RG 33/30, 75
Clemont, Gaston RG 33/112, 284
Cleveland, J. Harrison RG 33/141, 373
Clute, Roger Conger RG 33/145, 389
Cole, George Edwards RG 33/31, 76

Bladen, Vincent Wheeler RG 33/45, 103
Blair, William Gourlay RG 33/85, 210
Bois, Henri C. RG 33/58, 135
Bond, William Langley RG 33/56, 130
Borden, Henry RG 33/39, 91
Boulanger, Joseph-Oscar LeFebvre RG 33/18, 48
Bourne, Robin P. RG 33/71, 171
Bourque, Serge RG 33/113, 286
Bovey, Wilfred RG 33/68, 160
Bowman, Charles Arthur RG 33/14, 40
Bowman, Charles Martin RG 33/52, 121
Bracken, John RG 33/70, 168
Braun, Frederick RG 33/7, 26
Brennan, William J. RG 33/9, 30
Breton, Albert A. RG 33/137, 358
Britnell, George Edwin RG 33/39, 91
Britton, Byron Moffatt RG 33/110, 278
Brodie, D.M. RG 33/67, 158
Brown, Frederick RG 33/101, 255
Brown, James Thomas RG 33/88, 217
Brown, Joseph F. RG 33/44, 101
Brown, J.N.E. RG 33/76, 183
Brown, William Thomas RG 33/64, 149
Brownlee, John Edward RG 33/17, 46
Bruce, John W. RG 33/95, 241
Bryan, C. Michael RG 33/101, 255
Bryce, Robert Broughton RG 33/113, 286
Buchanan, W.W. RG 33/32, 77
Buck, W. Keith RG 33/42, 98
Burgess, A.L. RG 33/21, 55
Burn, George RG 33/82, 203

INDEX

Ce volume comprend un index des noms et un index des sujets qui couvrent la totalité des commissions royales figurant dans le volume 1 (RG 33/1 à RG 33/75) et dans le volume 2 (RG 33/76 à RG 33/147). Dans la plupart des cas, chaque entrée de l'index est suivie de deux références, la première renvoyant au groupe d'archives et au numéro de série de la commission, et la seconde indiquant le numéro de page où la description de la commission royale d'enquête commence. Une référence se présente généralement sous la forme suivante : RG 33/14, 40.

L'index nominal énumère les noms des présidents, des commissaires et des secrétaires ou directeurs administratifs des commissions qui sont mentionnés dans l'un ou l'autre des volumes du présent répertoire.

L'index des sujets comprend : les sujets principaux (en gras) faisant partie des appellations données dans le texte aux diverses commissions décrites, ainsi que les sujets et les noms principaux mentionnés dans les historiques, les textes réglementaires et les énoncés de mandats de chacune de ces commissions. En principe, l'index des sujets ne contient pas les noms des commissaires, sauf lorsqu'une commission est connue sous le nom de son président ou de son commissaire. Par exemple, la Commission royale d'enquête sur l'avancement des arts, lettres et sciences au Canada figure également dans l'index sous le nom de Commission Massey.


Si une commission fait référence à une autre commission, le titre abrégé de la première apparaît dans l'index, suivi de son numéro de série entre parenthèses, puis de la référence aux numéros de série et de page de la commission à laquelle elle renvoie. Par exemple, l'entrée de la Commission royale d'enquête sur l'union économique canadienne et les perspectives de développement (RG 33/137), qui fait référence à la Commission d'enquête sur l'assurance-chômage (RG 33/139) se présente de la façon suivante : Union économique canadienne et perspectives de développement (RG 33/137, RG 33/139, 366.

Si un chercheur ne trouve pas dans l'index le nom ou le sujet qu'il cherche, il ne doit pas en déduire que nos fonds ne peuvent lui être utiles. La plupart des fonds sont volumineux et variés et les entrées de l'index ne peuvent que donner un aperçu de la nature du contenu des fonds.

INDEX

Chancelier et Commandeur de Notre Ordre
 du Mérite militaire à qui Nous avons
 décerné Notre Décoration des Forces
 canadiennes, Gouverneur général et
 Commandant en chef du Canada.
 A NOTRE HÔTEL DU GOUVERNEMENT, en Notre ville
 d'Ottawa, ce dix-septième jour d'octobre en l'an
 de grâce mil neuf cent quatre-vingt, le vingt-neuvième
 de Notre règne.

PAR ORDRE,
 LE SOUS-REGISTRAR GÉNÉRAL DU CANADA



EN OUTRE NOUS autorisons Notre Commission à retenir les services des personnes, des commis, des conseillers techniques et des avocats jugés nécessaires à son enquête, au taux de rémunération et de remboursement qu'approuve le conseil du Trésor.

ET NOUS exigeons de Notre Commission qu'elle présente un rapport à Son Excellence le gouverneur en conseil, au plus tard le 1er juillet 1981.

EN OUTRE NOUS exigeons de Notre Commission qu'elle dépose auprès de l'Archiviste fédéral les textes et documents de la Commission dans un délai raisonnable après la conclusion de l'enquête.

EN OUTRE NOUS exigeons que les fonctionnaires et les employés des ministères du gouvernement du Canada puissent, à la demande de Notre Commission, l'aider à mener son enquête.

ET PAR LES PRESENTES NOUS nommons ledit Thomas Morral Kent président de la Commission.

EN FOI DE QUOI, Nous avons fait émettre Nos présentes lettres patentes et à icelles fait apposer le grand sceau du Canada.

TEMOIN:

Notre très fidèle et bien-aimé Edward Richard Schreyer, Chancelier et Compagnon principal de Notre Ordre du Canada,

PAR LES PRESENTES NOUS autorisons Notre Commission à adopter les procédures et les méthodes qu'elle juge nécessaires à la bonne marche de son enquête et à siéger aux dates ainsi qu'aux lieux, au Canada, qu'elle peut décider à l'occasion.

confère à ces fonctions.
prérogatives, privilèges et avantages que la loi et jouira, à titre amovible, de tous les droits, L'EDIT Thomas Worral Kent exercera ces fonctions

SACHEZ DONC maintenant que, sur l'avis de Notre Conseil privé pour le Canada, Nous nommons, par les présentes, Monsieur Thomas Worral Kent, de la ville de Mabou, province de la Nouvelle-Ecosse, au poste de Commissaire chargé de mener cette enquête.

d) quelles mesures la Commission juge appropriées pour remédier aux conséquences qui doivent, à son avis, être corrigées, et qui découlent de la concentration de la propriété et du contrôle de cette industrie ainsi que de la fermeture récente de journaux.

intellectuel;
de l'ensemble du pays, sur les plans politique, économique, social et journaux pour la vitalité et la cohésion

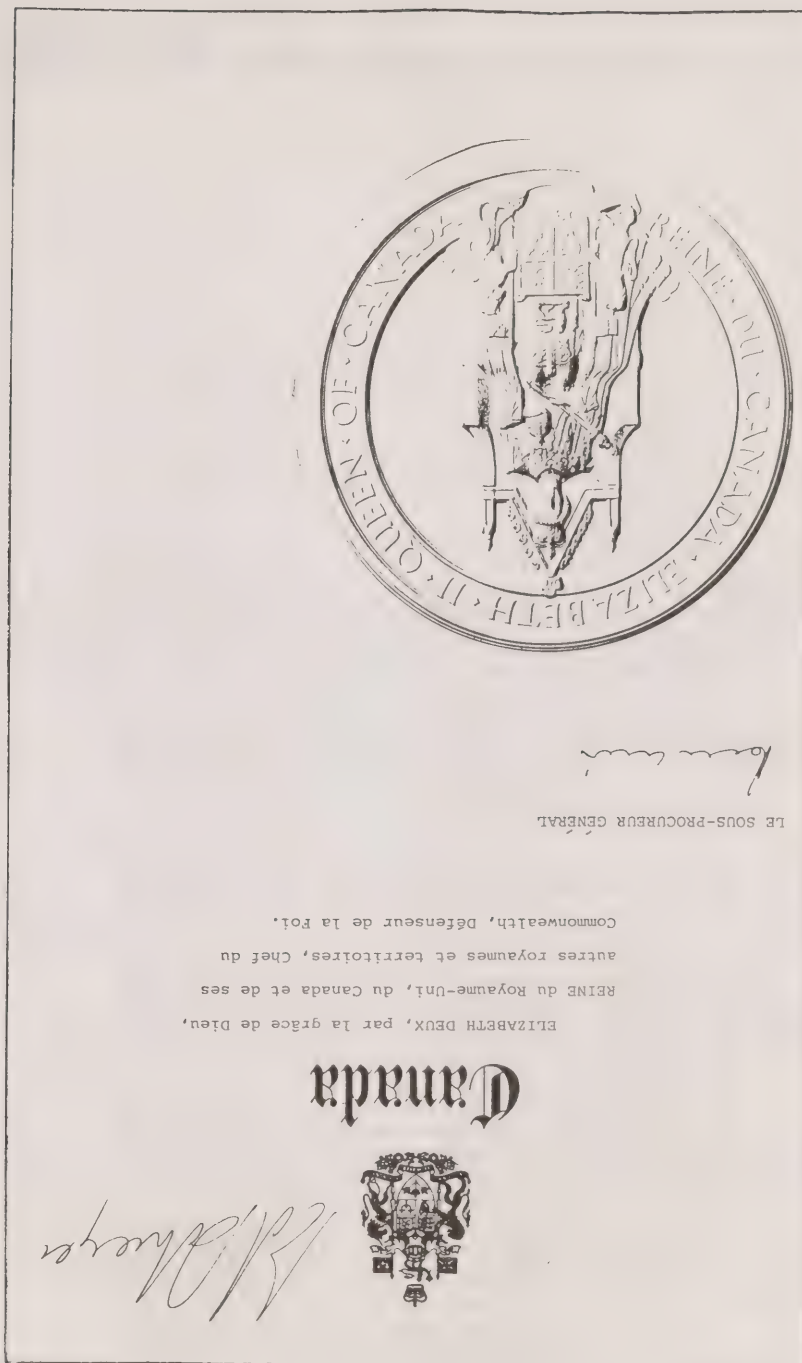
ATTENDU QU'aux termes de la Partie I de la Loi sur les enquêtes, chapitre I-13 des Statuts révisés du Canada de 1970, Son Excellence le Gouverneur général en Conseil a, par le décret C.P. 1980-2343 du trois septembre mil neuf cent quatre-vingt, dont une copie est jointe aux présentes, autorisé la nomination de Notre Commissaire chargé, aux termes de ce décret et des présentes, de faire un examen général de la situation dans l'industrie des quotidiens au Canada, en particulier en ce qui a trait à la concentration de la propriété et du contrôle de cette industrie et à la fermeture récente de journaux, et de procéder à un examen et de faire rapport sur les questions suivantes:

a) jusqu'à quel degré la situation qui prévaut actuellement dans l'industrie des journaux a affecté ou pourrait affecter l'accomplissement de ses responsabilités envers le public;

b) quelles sont les conséquences de l'élimination d'un quotidien pour les individus et pour la vie communautaire dans les villes où un journal a disparu au cours des dernières années;

c) quelles sont les conséquences de la présente situation dans l'industrie des

ANNEXE IV
Exemple d'une commission créée par lettres patentes
sous le Grand Sceau du Canada
nommant le commissaire d'une « enquête publique »



4. soient autorisés à siéger aux dates et endroits dont ils pourront décider à l'occasion, à avoir accès au personnel de la Gendarmerie royale du Canada, à recevoir communication de tous renseignements disponibles au sein de la Gendarmerie royale du Canada, et soient pourvus de secrétariat et des moyens matériels nécessaires à la bonne conduite de leur enquête;
 5. soient autorisés à retenir les services d'avocats, de conseillers techniques et du personnel requis à des taux de rémunération ou de remboursement approuvés par le Conseil du Trésor;
 6. suivent les pratiques établies dans le domaine de la sécurité en ce qui a trait à leur personnel et leurs conseillers techniques et au traitement des renseignements confidentiels à toutes les étapes de l'enquête;
 7. soient autorisés à exercer tous les pouvoirs que leur confère l'article 11 de la loi sur les enquêtes; et
 8. fassent rapport au Gouverneur en conseil dans les meilleurs délais et déposent au Bureau du Conseil privé les documents et registres de la Commission aussitôt qu'il sera raisonnablement possible, après la conduite de l'enquête.
- Le Comité recommande en plus que, en vertu de l'article 37 de la loi sur les juges, Monsieur le juge McDonald soit autorisé à agir comme Commissaire aux fins de la présente Commission et qu'il en préside les travaux.

- (c) faire des recommandations et présenter à cet effet les rapports qu'ils jugent nécessaires et opportuns dans l'intérêt du Canada, quant aux politiques et procédures qui régissent les activités de la Gendarmerie royale du Canada dans l'accomplissement de la tâche qui est sienne de protéger la sécurité du Canada, quant aux mécanismes requis pour la mise en oeuvre de ces politiques et procédures, et finalement quant à l'à-propos des lois du Canada dans la mesure où elles s'appliquent à ces politiques et procédures, eu égard aux impératifs de sécurité du Canada.
- Le Comité recommande en plus que les Commissaires:
1. soient autorisés à adopter les procédures et les méthodes que, à l'occasion, ils jugent convenables pour les fins de la bonne conduite de leur enquête;
 2. conduisent leur enquête à huis-clos en toute matière reliée à la sécurité nationale et en toute autre matière lorsque les Commissaires le jugeront opportun dans l'intérêt public ou dans l'intérêt de la discrétion qui doit être garantie aux personnes mises en cause dans des cas déterminés qui pourront être examinés;
 3. dans la préparation de leur rapport, examinent et prennent toutes les mesures nécessaires afin de garantir
 - (a) Le caractère secret des sources de renseignements concernant la sécurité au Canada même;
 - (b) La sécurité des renseignements fournis au Canada à titre confidentiel par d'autres nations;

Et attendu que le maintien de cette confiance requiert qu'une enquête complète soit faite de façon à déterminer l'étendue et la fréquence des pratiques d'enquête ou autres gestes qui ne sont pas autorisés ou prévus par la loi impliquant des membres de la Gendarmerie royale du Canada;

En conséquence, le Comité du Conseil privé, sur avis conforme du Premier ministre, le très honorable Pierre Elliott Trudeau, recommande que

Monsieur le Juge David C. McDonald d'Edmonton
(Alberta)

M. Donald S. Rickard de Toronto (Ontario)

M. Guy Gilbert de Montréal (Québec)

soient nommés Commissaires en vertu de la Partie I de la loi sur les enquêtes afin de:

- (a) conduire telles enquêtes que les Commissaires peuvent juger nécessaires dans le but de déterminer l'étendue et la fréquence de pratiques d'enquête et autres gestes non autorisés ou prévus par la loi, impliquant des membres de la Gendarmerie royale du Canada, et, à cet égard, d'examiner les politiques et procédures pertinentes qui régissent les activités de la Gendarmerie royale du Canada dans l'accomplissement de la tâche qui est siennne de protéger la sécurité du Canada;

- (b) faire rapport des faits qui ont entouré toute pratique d'enquête ou autre geste qui n'était pas autorisé ou prévu par la loi, impliquant des personnes qui étaient alors membres de la Gendarmerie royale du Canada tel qu'il pourra être établi devant la Commission, et de faire les recommandations quant à toute action subséquente que de l'avis des Commissaires l'intérêt public rend nécessaire et opportune;

ANNEXE III
Exemple d'un décret du conseil
déterminant le mandat d'une « enquête publique »

C.P. 1977-1911



CANADA

PRIVY COUNCIL • CONSEIL PRIVE

Attendu qu'il a été établi que certaines personnes qui étaient alors membres de la Gendarmerie royale du Canada ont, le ou vers le 7 octobre 1972, conjointement avec d'autres personnes qui étaient membres de la Sûreté du Québec et de la Police de Montréal, pénétré dans les locaux situés au 3459 de la rue St-Hubert à Montréal à la recherche de biens qui s'y trouvaient et ont procédé à la saisie de documents qui se trouvaient dans ces locaux, sans autorisation légale pour ce faire;

Attendu que des allégations ont été formulées récemment à l'effet que certaines personnes qui étaient alors membres de la Gendarmerie royale du Canada ont, en d'autres occasions, été impliquées dans des pratiques d'enquête ou posé des gestes qui n'étaient pas autorisés ou prévus par la loi;

Attendu que, après vérification faite à l'instance du gouvernement, le Commissaire de la Gendarmerie royale du Canada indique maintenant, qu'il semblerait que certaines personnes alors membres de la Gendarmerie royale du Canada ont pu en effet être impliquées dans des pratiques d'enquête ou du posé des gestes qui n'étaient pas autorisés ou prévus par la loi; et, en conséquence le Commissaire croit que dans les circonstances il serait dans le meilleur intérêt de la Gendarmerie royale du Canada qu'une Commission d'enquête soit mise sur pied dans le but d'examiner les opérations et les politiques du Service de Sécurité dans une perspective nationale;

Attendu que le soutien du public dont a besoin la Gendarmerie royale du Canada pour accomplir la tâche qui est sienne de protéger la sécurité du Canada repose sur la confiance que ce même public a dans les politiques et les procédures qui régissent ses activités;

may impose, in respect of all matters that are au titre du paragraphe (1), S.R., ch. I-13, tribunal. R.S., c. I-13, s. 14.

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OTTAWA, 1985.

Authority to
confer powers
on
commissioners
under Part I.
(1) The Governor in Council may, when-
ever the Governor in Council deems it expedi-
ent, confer on an international commission or
tribunal all or any of the powers conferred on
commissioners under Part I.
(2) The powers conferred on an international
commission or tribunal pursuant to subsection
(1) may be exercised by the commission or
tribunal in Canada, subject to such limitations
and restrictions as the Governor in Council

Notice to
persons charged

Parties may
employ counsel

Report

Powers

Experts may
take evidence
and report

INTERNATIONAL COMMISSIONS AND TRIBUNALS

PART IV

13. No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel. R.S., c. I-13, s. 13.

12. The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of an investigation, to be represented by counsel. R.S., c. I-13, s. 12.

(2) shall report the evidence and their findings, if any, thereon to the commissioners. R.S., c. I-13, s. 11.

(3) The persons deputed under subsection (2), when authorized by order in council, have the same powers as the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

(2) The commissioners may authorize and depute any accountants, engineers, technical advisers or other experts, the services of whom are engaged under subsection (1), or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.

and assistants as they deem necessary or advisable; and
(b) counsel to aid and assist the commis-
sioners in an inquiry.

COMMISSIONS ET TRIBUNAUX INTERNATIONAUX

PARTIE IV

13. La rédaction d'un rapport défavorable ne saurait intervenir sans qu'auparavant la per-
sonne incriminée ait été informée par un préa-
vis suffisant de la faute qui lui est imputée et
qu'elle ait eu la possibilité de se faire entendre
en personne ou par le ministre d'un avocat.
S.R., ch. I-13, art. 13.

12. Les commissaires peuvent autoriser la
personne dont la conduite fait l'objet d'une
enquête dans le cadre de la présente loi à se
faire représenter par un avocat. Si, au cours de
l'enquête, une accusation est portée contre cette
personne, le recours à un avocat devient un
droit pour celle-ci. S.R., ch. I-13, art. 12.

(4) Les délégués font rapport aux commis-
saires des témoignages recueillis ainsi que de leurs
éventuelles conclusions sur la question étudiée.
S.R., ch. I-13, art. 11.

(3) La délégation confère, lorsqu'elle est
autorisée par décret, les pouvoirs des commis-
saires en ce qui touche le recueil de témoigna-
ges, la délivrance des assignations, la contrainte
à comparution et à déposition et, de façon
générale, la conduite de l'enquête.

(2) Les commissaires peuvent — selon les
modalités qu'ils fixent — déléguer aux experts
qu'ils engagent ou à d'autres personnes quali-
fiées toute partie d'une enquête relevant de leur
commission.

rapporteurs et collaborateurs dont ils jugent
le concours utile;
(b) d'avocats pour les assister dans leur
enquête.

Attribution des
pouvoirs au
d'enquête
Exercice des
pouvoirs au
Canada

(2) La commission ou le tribunal internatio-
naux peuvent, dans le cadre de leur compétence
imposées par le gouverneur en conseil, exercer
au Canada les pouvoirs qui leur sont attribués

sioners may, if they deem it advisable, issue a commission or other authority to any officer or person to take the evidence and report it to the commissioners.

Powers for that purpose

(2) An officer or person authorized under subsection (1) shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to the officer or person by the commission, and with regard to the taking of evidence, has the powers set out in subsection 8(1) and such other powers as a commissioner would have had if the evidence had been taken before a commissioner. R.S., c. I-13, s. 9.

Witnesses failing to attend, etc

(a) being required to attend in the manner provided in this Part, fails, without valid excuse, to attend accordingly;

(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same;

(c) refuses to be sworn or to affirm, or put to him by a commissioner, or other officer or person referred to in section 9, is liable, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which that person resides, or in which the place is situated at which the person was required to attend, to a fine not exceeding four hundred dollars.

Justice of the peace

(2) For the purposes of this Part, a judge of a superior or county court referred to in subsection (1) shall be a justice of the peace. R.S., c. I-13, s. 10.

GENERAL

PART III

11. (1) The commissioners, whether appointed under Part I or under Part II, may, if authorized by the commission issued in the case, engage the services of
(a) such accountants, engineers, technical advisers or other experts, clerks, reporters

Employment of counsel, experts and assistants

cux la ou les personnes dont ils souhaitent entendre le témoignage, commettre par commission rogatoire ou quelque autre forme de délégation le fonctionnaire désigné par celle-ci, ou toute autre personne expressément nommée, pour recueillir les dépositions et leur en faire rapport.

(2) Avant d'entreprendre l'enquête, la personne commise au titre du paragraphe (1) prête fidèlement la mission qui lui est confiée. Elle est investie, pour recueillir les témoignages, des pouvoirs d'un commissaire, notamment de ceux qui sont énoncés au paragraphe 8(1). S.R., ch. I-13, art. 9.

Défaut de comparaitre

(a) sans motifs légitimes, ne se présente pas bien qu'ayant été assigné à comparaître conformément à la présente partie;

(b) ne produit pas les documents, livres ou pièces en sa possession ou sous sa responsabilité qu'il a reçu l'ordre de produire;

(c) refuse de prêter serment ou de faire une affirmation solennelle;

(d) refuse de répondre aux questions régulières que lui pose un commissaire ou la personne commise à cet effet.

(2) Le juge de cour supérieure ou de cour de justice, les attributions d'un juge de paix, S.R., ch. I-13, art. 10.

DISPOSITIONS GÉNÉRALES

PARTIE III

11. (1) Les commissaires, qu'ils soient nommés sous le régime de la partie I ou de la partie II, peuvent, s'ils y sont autorisés par leur commission, retenir les services :
(a) des experts — comptables, ingénieurs, conseillers techniques ou autres —, greffiers,

Assistance

PARTIE II

PART II

DEPARTMENTAL INVESTIGATIONS

ENQUÊTES MINISTÉRIELLES

Nomination de commissaires

Appointment of commissioners

6. The minister presiding over any department of the Public Service may appoint, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report on the state and management of the business, or any part of the business, of the department, either in the inside or outside service thereof, and the conduct of any person in that service, so far as the same relates to the official duties of the person. R.S., c. I-13, s. 6.

6. Le ministre chargé d'un ministère fédéral peut, avec l'autorisation du gouverneur en conseil, nommer un ou plusieurs commissaires pour faire enquête et rapport sur toute question touchant l'état et l'administration des affaires de son ministère, dans son service interne ou externe, et sur la conduite, en ce qui a trait à ses fonctions officielles, de toute personne y travaillant. S.R., ch. I-13, art. 6.

Powers of commissioners

7. For the purposes of an investigation under section 6, the commissioners

7. Pour les besoins de l'enquête, les commissaires peuvent :

(a) may enter into and remain within any public office or institution, and shall have access to every part thereof;

(a) visiter tout bureau ou établissement public, avec droit d'accès dans tous les locaux;

(b) may examine all papers, documents, vouchers, records and books of every kind belonging to the public office or institution;

(b) examiner tous papiers, documents, pièces justificatives, archives et registres appartenant à ce bureau ou établissement;

(c) may summon before them any person and require the person to give evidence, orally or in writing, and on oath or, if the person is entitled to affirm in civil matters on solemn affirmation; and

(c) assigner devant eux des témoins et les contraindre à déposer oralement ou par écrit sous la foi du serment, ou d'une affirmation solennelle si ceux-ci en ont le droit en matière civile;

(d) may administer the oath or affirmation under paragraph (c). R.S., c. I-13, s. 7.

(d) faire prêter serment ou recevoir une affirmation solennelle. S.R., ch. I-13, art. 7.

Subpoena or summons

8. (1) The commissioners may, under their hands, issue a subpoena or other request or summons, requiring any person therein named

8. (1) Les commissaires peuvent convoquer des témoins, au moyen d'assignations ou d'autres formes de convocation signées de leur main leur enjoignant de :

(a) to appear at the time and place mentioned therein;

(a) comparaître aux date, heure et lieu indiqués;

(b) to testify to all matters within his knowledge relative to the subject-matter of an investigation; and

(b) témoigner sur tous faits connus d'eux se rapportant à l'enquête;

(c) to bring and produce any document, book or paper that the person has in his possession or under his control relative to the subject-matter of the investigation.

(c) produire tous documents, livres ou pièces, utiles à l'enquête, dont ils ont la possession ou la responsabilité.

Idem

(2) A person may be summoned from any part of Canada by virtue of a subpoena, request or summons issued under subsection (1).

(2) Toutes les formes de convocation visées au paragraphe (1) ont effet sur tout le territoire canadien.

Expenses

(3) Reasonable travel expenses shall be paid at the time of service of a subpoena, request or summons to any person summoned under subsection (1). R.S., c. I-13, s. 8.

(3) Toute personne assignée reçoit, au moment de la signification de la convocation, une indemnité pour les frais qu'entraînera son déplacement. S.R., ch. I-13, art. 8.

Evidence taken by commission

9. (1) In lieu of requiring the attendance of a person whose evidence is desired, the commis-

9. (1) S'ils le jugent à propos, les commissaires peuvent, au lieu de faire comparaître devant

Commission rogatoire



CHAPITRE I-11

Loi concernant les enquêtes relatives aux affaires publiques et aux ministères

TITRE ABRÉGÉ

1. *Loi sur les enquêtes*. S.R., ch. I-13, art. 1. Titre abrégé

PARTIE I

ENQUÊTES PUBLIQUES

2. Le gouverneur en conseil peut, s'il l'estime utile, faire procéder à une enquête sur toute question touchant le bon gouvernement du Canada ou la gestion des affaires publiques.

S.R., ch. I-13, art. 2.

3. Dans le cas d'une enquête qui n'est pas régie par des dispositions législatives particulières, le gouverneur en conseil peut, par commission, nommer les commissaires qui en sont chargés. S.R., ch. I-13, art. 3.

4. Les commissaires ont le pouvoir d'assister devant eux des témoins et de leur enjoindre de :

a) déposer oralement ou par écrit sous la foi du serment, ou d'une affirmation solennelle si ceux-ci en ont le droit en matière civile;

b) produire les documents et autres pièces qu'ils jugent nécessaires en vue de procéder d'une manière approfondie à l'enquête dont ils sont chargés. S.R., ch. I-13, art. 4.

5. Les commissaires ont, pour contraindre les témoins à comparaître et à déposer, les pouvoirs d'une cour d'archives en matière civile. S.R., ch. I-13, art. 5.

CHAPTER I-11

An Act respecting public and departmental inquiries

SHORT TITLE

1. This Act may be cited as the *Inquiries Act*. R.S., c. I-13, s. 1.

PART I

PUBLIC INQUIRIES

2. The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. I-13, s. 2.

3. Where an inquiry as described in section 2 is not regulated by any special law, the Governor in Council may, by a commission, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. I-13, s. 3.

4. The commissioners have the power of summoning before them any witnesses, and of requiring them to

(a) give evidence, orally or in writing, and affirm in civil matters on solemn affirmation; and

(b) produce such documents and things as investigation of the matters into which they are appointed to examine. R.S., c. I-13, s. 4.

5. The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. I-13, s. 5.

1976, 22 novembre	Gestion financière et imputabilité [RG 33/122]
1977, 10 mars	Ports pétroliers de la Côte Ouest [RG 33/116]
1977, 17 mars	Témoignages des Indiens âgés [RG 33/108]
1977, 24 mars	Transport à Terre-Neuve [RG 33/119]
1977, 5 juillet	Unité canadienne [RG 33/118]
1977, 6 juillet	Certaines activités de la G.R.C. [RG 33/128]
1978, 20 juin	Industrie canadienne de l'automobile [RG 33/117]
1979, 25 mai	Transactions de la Commission canadienne du lait [RG 33/127]
1979, 4 décembre	Accident ferroviaire de Mississauga [RG 33/125]
1980, 27 août	Situation dans le service extérieur [RG 33/129]
1980, 3 septembre	Quotidiens [RG 33/126]
1981, 12 janvier	Politique des pêches du Pacifique [RG 33/132]
1982, 18 février	Désastre marin de l' <i>Ocean Ranger</i> [RG 33/136]
1982, 5 novembre	Union économique et perspectives de développement du Canada [RG 33/137]
1983, 24 juin	Égalité en matière d'emploi [RG 33/133]
1984, 17 avril	Industrie pharmaceutique [RG 33/135]
1984, 10 mai	Détermination de la peine [RG 33/142]
1984, 31 mai	Pratiques de commercialisation de la pomme de terre dans l'Est du Canada [RG 33/134]
1984, 22 juin	Phoques et chasse au phoque au Canada [RG 33/138]
1985, 7 février	Criminels de guerre [RG 33/144]
1985, 4 juillet	Assurance-chômage [RG 33/139]
1985, 29 septembre	Faillite de la Banque Commerciale du Canada et de la Norbanque [RG 33/140]
1986, 10 février	Collision ferroviaire de Hinton [RG 33/143]
1986, 12 août	Bande indienne de Westbank [RG 33/147]

Finances de Terre-Neuve [RG 33/38]	1957, 21 février
Énergie [RG 33/39]	1957, 15 octobre
Écarts de prix des denrées alimentaires [RG 33/40]	1957, 10 décembre
Distribution des wagons couverts [RG 33/70]	1958, 31 janvier
Transports [RG 33/49]	1959, 13 mai
Chemin de fer du Grand lac des Esclaves [RG 33/41]	1959, 4 juin
Houille [RG 33/42]	1959, 6 octobre
Accusations d'ingérence politique portées contre Edmond Louis Paradis [RG 33/43]	1960, 28 janvier
Industrie automobile [RG 33/45]	1960, 2 août
Plaintes portées contre la station de télévision CHEK, Victoria (Colombie-Britannique) [RG 33/44]	1960, 16 septembre
Organisation du gouvernement [RG 33/46]	1960, 16 septembre
Publications [RG 33/47]	1960, 16 septembre
Services de santé [RG 33/78]	1961, 20 juin
Loi sur l'assurance-chômage [RG 33/48]	1961, 17 juillet
Système bancaire et financier [RG 33/64]	1961, 18 octobre
Fiscalité [RG 33/65]	1962, 25 septembre
Pilotage [RG 33/94]	1962, 1 ^{er} novembre
Bilinguisme et biculturalisme [RG 33/80]	1963, 19 juillet
Congédiement de George Walker de l'Administration de l'assistance à l'agriculture des Prairies [RG 33/75]	1963, 21 décembre
1964, 11 juin	
Avénir de la base de révision des Lignes aériennes Trans-Canada à l'aéroport international de Winnipeg [RG 33/87]	1964, 8 octobre
Écrasement d'un avion à Ste-Thérèse-de-Blainville (Québec) [RG 33/84]	1964, 29 octobre
Problèmes commerciaux de l'industrie du poisson salé de l'Atlantique [RG 33/81]	1964, 25 novembre
Extradition de Lucien Rivard (« l'affaire Lucien Rivard ») [RG 33/93]	1965, 9 juillet
Conditions de travail au ministère des Postes [RG 33/90]	1965, 1 ^{er} septembre
Relations du juge Léo A. Landreville avec la Northern Ontario Gas Limited [RG 33/92]	1966, 14 mars
Questions concernant Gerta Munsinger (« l'affaire Munsinger ») [RG 33/96]	1966, 26 mai
Machines agricoles [RG 33/91]	1967, 16 février
Situation de la femme au Canada [RG 33/89]	1969, 29 mai
Usage des drogues à des fins non médicales [RG 33/101]	1969, 19 décembre
Revendications des Indiens [RG 33/115]	1970, 8 décembre
Réclamations étrangères [RG 33/141]	1973, 10 août
Ministère de la Main-d'œuvre et de l'immigration à Montréal [RG 33/9]	1973, 5 octobre
Commission d'enquête sur l'aéroport [RG 33/103]	1974, 25 avril
Locaux parlementaires [RG 33/112]	1974, 22 mai
Bénéfices de la sidérurgie [RG 33/102]	1974, 31 octobre
Plaintes du public, discipline interne et procédures de règlement des griefs au sein de la G.R.C. [RG 33/71]	1975, 6 janvier
La mise en marché du boeuf [RG 33/72]	1975, 18 avril
Manutention et transport du grain [RG 33/111]	1975, 18 avril
Coûts du transport du grain par rail [RG 33/124]	1975, 22 avril
Groupe de sociétés [RG 33/113]	1975, 25 avril
Les transactions financières d'Air Canada [RG 33/10]	1975, 20 novembre
Écrasement d'un avion à Rea Point, dans les Territoires du Nord-Ouest, en Bilinguisme dans les services de contrôle de la circulation aérienne au Québec [RG 33/121]	1976, 23 juin

1929, 15 avril	Services techniques et professionnels du service public [RG 33/15]
1931, 7 février	Naturalisation [RG 33/100]
1931, 20 novembre	Chemins de fer et transports au Canada [RG 33/16]
1932, 4 août	Application de la <i>Loi des pensions</i> [RG 33/74]
1933, 31 juillet	Banque et monnaie au Canada [RG 33/17]
1933, 29 décembre	Ressources naturelles de la Saskatchewan [RG 33/50]
1934, 7 juillet	Écarts de prix [RG 33/18]
1934, 19 juillet	Ressources naturelles de l'Alberta [RG 33/51]
1934, 14 septembre	Accords financiers entre le Dominion et les provinces maritimes [RG 33/19]
1936, 27 janvier	Industrie textile [RG 33/20]
1936, 6 juin	Charbon anthracite [RG 33/21]
1936, 27 juin	Grains [RG 33/22]
1937, 14 août	Rélations entre le Dominion et les provinces [RG 33/23]
1938, 7 septembre	Contrat relatif à la mitrailleuse Bren [RG 33/66]
1941, 24 mars	Conflit de travail à l'usine de Windsor de la société Chrysler Canada [RG 33/123]
1941, 15 août	Événements de juillet 1941 à Arvida (Québec) [RG 33/56]
1942, 12 février	Envoi du Corps expéditionnaire canadien à Hong Kong [RG 33/120]
1942, 24 octobre	Activités de la société japonaise « Black Dragon » en Colombie-Britannique [RG 33/60]
1943, 14 octobre	Demandes des houlleurs de l'Ouest canadien [RG 33/97]
1944, 12 octobre	Charbon [RG 33/63]
1944, 13 novembre	Taxation des rentes voyageurs et des corporations de famille [RG 33/24]
1944, 16 novembre	Coopératives [RG 33/25]
1945, 10 avril	Qualifications des anciens combattants [RG 33/68]
1945, 13 avril	Achat de terrains situés dans le canton de Sandwich West (Ontario), acquis en vertu de la <i>Loi sur les terres destinées aux anciens combattants</i> [RG 33/67]
1945, 10 mai	Désordres survenus à Halifax les 7 et 8 mai 1945 [RG 33/57]
1946, 5 février	Espionnage au sein du gouvernement (l'Affaire Gouzenko) [RG 33/62]
1946, 15 février	Classifications administratives du service public [RG 33/26]
1947, 18 juillet	Plaintes de citoyens canadiens d'origine japonaise (Colombie-Britannique) [RG 33/69]
1947, 4 décembre	Plaintes de Walter H. Kirchner concernant les services de pensions et traitements aux anciens combattants [RG 33/85]
1948, 8 juillet	Prix [RG 33/58]
1948, 29 décembre	Transports [RG 33/27]
1949, 8 avril	Avancement des arts, lettres et sciences au Canada [RG 33/28]
1950, 5 septembre	Location de lots dans les parcs nationaux de Banff et de Jasper [RG 33/29]
1951, 12 novembre	Exploration pétrolière dans les Territoires du Nord-Ouest et au Yukon [RG 33/30]
1954, 2 mars	Défense d'aliénation mentale en matière criminelle [RG 33/130]
1954, 25 mars	Droit pénal en matière de psychopathie sexuelle criminelle [RG 33/131]
1954, 29 avril	Exploitation des mines de quartz et de placer du Yukon [RG 33/31]
1954, 10 juin	Brevets, droit d'auteur, marques de commerce et dessins industriels [RG 33/32]
1954, 20 octobre	Pertes causées par l'inondation de la vallée de la rivière Humber et des terres avoisinantes en Ontario [RG 33/33]
1955, 1 ^{er} mars	Cabotage [RG 33/34]
1955, 17 juin	Perspectives économiques du Canada [RG 33/35]
1955, 2 décembre	Radio et télévision [RG 33/36]
1957, 17 janvier	Emploi de chauffeurs sur les locomotives diesel du chemin de fer Canadien Pacifique [RG 33/37]

ANNEXE I
LISTE CHRONOLOGIQUE DES COMMISSIONS ROYALES D'ENQUÊTE
(RG 33/1 à RG 33/147)
SELON LA DATE DE LEUR CONSTITUTION

Chemin de fer Canadien Pacifique (« Scandale du Canadien Pacifique »)	1873, 14 août
[RG 33/1]	
Avantages commerciaux découlant de la construction du canal de la baie Verte [RG 33/7]	1875, 16 juin
Pénitencier de Stony Mountain (Manitoba) [RG 33/2]	1897, 9 février
Accusations de méfaits contre plusieurs fonctionnaires du Yukon [RG 33/76]	1898, 7 octobre
Immigration chinoise et japonaise en Colombie-Britannique [RG 33/145]	1900, 21 septembre
Détournement de fonds de Martineau [RG 33/82]	1903, 6 mars
Voies de transport des produits canadiens par les ports canadiens [RG 33/3]	1903, 19 mai
Concession Treadgold et autres concessions dans le Territoire du Yukon [RG 33/110]	1903, 27 mai
Immigration de journaliers italiens à Montréal [RG 33/99]	1904, 20 juin
Assurances sur la vie [RG 33/4]	1906, 28 février
Commerce des grains [RG 33/5]	1906, 19 juillet
Application de la Loi sur l'emploi dans la Fonction publique [RG 33/77]	1907, 8 mai
Pont de Québec [RG 33/6]	1907, 31 août
Fraudes des Chinois et contrebande d'opium sur la côte du Pacifique [RG 33/146]	1910, 12 novembre
Service public [RG 33/83]	1911, 21 décembre
Fonctionnement de la Direction juridique de la Chambre des communes [RG 33/114]	1912, 10 avril
Etat des archives fédérales du Canada [RG 33/11]	1912, 9 novembre
Terres et affaires indiennes dans la province de la Colombie-Britannique [RG 33/104]	1913, 10 juin
Demandes d'indemnisation de certains pêcheurs canadiens pratiquant la pêche pélagique du phoque [RG 33/107]	1915, 9 janvier
Construction de hangars d'exercice dans la province de l'Ontario [RG 33/8]	1916, 3 avril
Contrats du Comité des abus [RG 33/61]	1916, 13 juillet
Chemins de fer et transport au Canada [RG 33/12]	1917, 16 avril
Vente, prix et approvisionnement du papier journal fabriqué au Canada [RG 33/53]	1919, 2 janvier
Incident du <i>Northland</i> [RG 33/59]	1919, 4 avril
Relations industrielles du Canada [RG 33/95]	1919, 20 mai
Possibilités de l'élevage de boeufs musqués et de rennes dans l'Arctique [RG 33/105]	1919, 23 août
Courses de chevaux et paris au Canada [RG 33/55]	1920, 27 décembre
Bois à pâte [RG 33/13]	1923, 14 août
Réclamations des provinces maritimes [RG 33/73]	1926, 7 avril
Transactions conclues par les commissaires du port de Toronto [RG 33/54]	1926, 15 juin
Douanes et accise [RG 33/88]	1926, 20 juillet
Rétrocession de terres à la Colombie-Britannique [RG 33/109]	1927, 8 mars
Partialité politique au ministère du Rétablissement des soldats dans la vie civile [RG 33/86]	1927, 30 juin
Ressources naturelles du Manitoba [RG 33/52]	1928, 1 ^{er} août
Radiodiffusion [RG 33/14]	1928, 6 décembre

ANNEXES

Ce répertoire comprend quatre annexes. L'annexe I présente une liste chronologique des séries RG 33/1 à RG 33/147, classées par date d'établissement. La date indiquée est celle qui figure dans le décret instituant la commission.

L'annexe II fournit le texte de la *Loi sur les enquêtes* (S.R.C., 1985, ch. I-11), texte réglementaire en vertu duquel les commissions d'enquête sont établies. La partie I de la *Loi sur les enquêtes*, sous-titrée « Enquêtes publiques » autorise le gouverneur en conseil à nommer un ou plusieurs commissaires pour enquêter sur toute question touchant au bon gouvernement du Canada ou à la conduite de tout autre aspect des affaires publiques. La majorité des commissions incluses dans ce répertoire ont été établies en vertu de la Partie I de la loi. La Partie II permet au gouverneur en conseil de nommer un ou plusieurs commissaires pour mener une enquête ministérielle.

L'annexe III est un décret du conseil qui définit le mandat d'une « enquête publique » nommée en vertu de la Partie I de la *Loi sur les enquêtes*. Le décret constitue la recommandation du gouverneur en conseil (le Cabinet) pour que soit établie une commission d'enquête. Il nomme également le ou les commissaires et définit leur mandat.

L'annexe IV présente un exemple de commission établie par lettre patente sous le Grand Sceau du Canada nommant un commissaire chargé de mener une enquête en vertu des dispositions de la Partie I de la *Loi sur les enquêtes*. Le Grand Sceau du Canada est apposé sur les documents officiels. Il représente le pouvoir et l'autorité conférés par le souverain régnant à notre gouvernement parlementaire. Toute commission établie sous ce sceau est qualifiée de « commission royale ». Dans la pratique, les commissions royales sont nommées par le gouverneur général du Canada sur la recommandation du gouverneur en conseil (le Cabinet).

ANNEXES

3) sur les activités des locataires et des résidents des réserves

de la bande indienne de Westbank en ce qui touche ladite bande, son conseil et ses membres, et notamment :

- déterminer si ces locataires et ces résidents se sont acquittés de leurs obligations envers l'Etat et la bande,

- déterminer si les activités des locataires et des résidents ont contribué à provoquer des tensions et des conflits avec la bande; et

4)

afin de recommander au besoin des modifications à la Loi sur les Indiens en ce qui concerne la gestion des terres, des deniers et des règlements des Indiens, ou aux politiques et aux méthodes du MAIINC en la matière, ou des solutions à des problèmes particuliers, lesquelles seront compatibles avec la politique établie du gouvernement visant à soutenir et à renforcer l'autonomie gouvernementale des Indiens sur leurs propres terres.

Commissaire :

John E. Hall.

Secrétaire :

Maureen E. Cowin.

Documents :

Comptes rendus d'audiences, pièces à conviction, documents relatifs au ministère des Affaires indiennes, dossiers sur des questions de comptabilité de la bande indienne de Westbank, dossiers relatifs aux terres et documents connexes.

Voir l'instrument de recherche 33/147-150, parties 1 et 2.

Autres documents :

Archives nationales du Canada, Commission d'enquête concernant certaines questions liées à la bande indienne de Westbank. Documents audio-visuels. Cassettes sonores, séances d'information sous la direction du ministère des Affaires indiennes et du Nord et délibérations d'une réunion de la Commission d'enquête et du ministère, 1986-1987, environ 17 h, n° d'acquisition 1990-0206.

Archives nationales du Canada, Commission d'enquête concernant certaines questions liées à la bande indienne de Westbank. Documents cartographiques et architecturaux. RG 33, M147, n° d'acquisition 9015, 34 cartes, plans et dessins.

Rapport :

Date d'avril 1988. Déposé à la Chambre des communes le 10 mai 1988. Document parlementaire n° 332-4/56, 1986-1988. Intitulé Le Rapport de la Commission d'enquête concernant certaines questions liées à la bande indienne de Westbank, John E. Hall, commissaire et al. (Ottawa, Approvisionnement et Services Canada, 1988), xx, 585 p.

Le 12 août 1986 fut donc établie une commission royale chargée d'examiner les baux, les transactions financières et les politiques du ministère des Affaires indiennes relatives à la bande indienne de Westbank, et plus particulièrement au cours de la période allant de 1975 à 1986 (*Le Rapport de la Commission d'enquête concernant certaines questions liées à la bande indienne de Westbank* [Ottawa, Approvisionnement et Services Canada, 1988], p. ix-xvii).

La commission tint ses audiences du 12 novembre 1986 au 28 août 1987 à Westbank et à Vancouver. Elle reçut 222 pièces à conviction. Décret du conseil C.P. 1816, daté du 12 août 1986, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre, modifié par le décret C.P. 1317, daté du 25 juin 1987, et décret C.P. 164, daté du 28 janvier 1988.

Mandat :

Enquêter et faire rapport

1) sur la façon dont l'administration centrale, ainsi que les bureaux régionaux et les bureaux de district du ministère des Affaires indiennes et du Nord canadien (MAINC) se sont acquittés de leurs responsabilités et de leurs fonctions à l'égard de la bande, des locataires et des résidents des réserves de la bande depuis 1975, en ce qui concerne notamment :

- les transactions et les arrangements financiers avec la bande, y compris les deniers des Indiens,
- l'utilisation des terres de la bande par ses membres, les locataires et les autres résidents,
- l'examen, par le ministre, de tous les règlements adoptés par la bande,

afin de déterminer si ces responsabilités et ces fonctions ont été accomplies conformément au droit, aux politiques établies et aux normes de compétence et d'équité généralement acceptées;

2) sur l'administration de la bande depuis 1975, et notamment,

- déterminer s'il y a eu abus de pouvoir de la part des chefs ou des conseillers de la bande;
- déterminer si les chefs ou les conseillers de la bande se sont trouvés en situation de conflits d'intérêts et si ces conflits auraient pu ou auraient dû être évités;

- étudier les répercussions de ces pratiques, si elles ont eu lieu, sur les membres de la bande, les locataires et les autres résidents des réserves de la bande indienne de Westbank;

Commission d'enquête concernant certaines questions liées à la bande indienne de Westbank, 1976-1987, 6,7 m (vol. 1-33)

Dans les années 1970, un certain nombre de promoteurs louèrent des terres à la bande indienne de Westbank pour établir des parcs de maisons mobiles près de Kelowna (Colombie-Britannique).

Leonard Crosby, de l'Association des propriétaires de maisons mobiles, ainsi que des membres de la bande indienne de Westbank, qui constituaient le « Comité d'action », alléguèrent qu'il y avait des conflits entre les chefs de la bande et les administrateurs du parc sur la question de la fixation des loyers.

Les allégations concernaient en particulier Ronald Derrickson, chef de la bande indienne de Westbank de 1976 à 1986, qui tout en ayant été négociateur des loyers des terres de la réserve, avait des intérêts personnels dans certains des terrains concernés. Il avait aussi notablement haussé les loyers, ce qui avait suscité les plaintes de certains locataires. De plus, en 1982, Derrickson avait été agressé à son domicile à Westbank. Cet incident, l'arrestation et la condamnation subséquente du coupable, avaient reçu une certaine publicité et avaient suscité des questions quant aux activités de Derrickson.

En outre, la bande indienne de Westbank était un important déposant à la Northland Bank. La bande et sa société d'aménagement contractaient des emprunts substantiels à cette banque. Le chef Derrickson devint directeur de la Northland Bank en 1984, mais il démissionna en août 1985, juste avant l'effondrement de la banque. À cette époque, plusieurs membres de la bande craignaient que la faillite de la banque amène leur propre ruine financière.

En 1986, certains membres de la bande indienne de Westbank alléguèrent auprès du ministre des Affaires indiennes et du Nord que le chef Derrickson et les administrateurs de la banque se comportaient de façon répréhensible. Ils soutenaient que les fonctionnaires du bureau local des Affaires indiennes étaient soit indolents, soit corrompus et qu'il était impossible qu'ils fournissent une version exacte des faits se déroulant à Westbank. Le ministère répliqua que ces critiques étaient injustifiées et des représentants du ministère demandèrent une enquête publique. Bien qu'il y ait déjà eu un certain nombre d'enquêtes à Westbank, aucune n'avait réussi à résoudre le problème. Comme l'observait le commissaire, John Hall, il semblait que les enquêtes précédentes n'avaient pas eu les pouvoirs nécessaires pour obtenir des documents et des témoignages leur permettant d'atteindre les meilleurs résultats. Une enquête complète s'imposait pour résoudre les problèmes de Westbank et pour examiner un certain nombre de questions plus vastes relatives aux politiques ministérielles et à d'éventuelles modifications à apporter aux règlements.

ne précise pas en vertu de quelle partie de la loi la commission a été établie.

Faire enquête et rapport sur les fraudes récemment révélées relativement à l'entrée illégale d'immigrants chinois au Canada dans les ports de Colombie-Britannique et sur toute autre violation de la Loi concernant l'immigration chinoise et visant à la restreindre (S.R.C., 1906, ch. 95) et de la Loi modifiant la Loi de l'immigration chinoise (7-8 Ed. VII, ch. 14, 1908) et des décrets promulgués en vertu de ces lois; le commissaire devra également faire enquête et rapport sur l'efficacité de la Loi prohibant l'importation, la fabrication et la vente de l'opium à toutes fins autres que celles de la médecine (7-8 Ed. VII, ch. 50, 1908), et plus particulièrement sur toutes les saisies d'opium effectuées en vertu de cette loi et de ses dispositions; et, de plus, le commissaire devra formuler les recommandations qui lui paraîtront opportunes relativement à toute autre mesure ou poursuite criminelle nécessaires dans le cadre de ses investigations.

Commissaire :

Dennis Murphy.

Documents :

Comptes rendus d'audiences de la commission; et comptes rendus d'audiences relatives aux allégations voulant que des commerçants chinois aient tenté d'entrer au Canada sur l'*Empress of China*.

Voir l'instrument de recherche 33/146-149.

Rapport :

Date du 1^{er} mai 1911. Déposé à la Chambre des communes le 21 juillet 1911. Document parlementaire n° 207, 1911. N'a pas été imprimé dans les Documents parlementaires. Intitulé *Report of Mr. Justice Murphy, Royal Commissioner appointed to investigate alleged Chinese frauds and opium smuggling on the Pacific Coast*, 1910-1911, Ottawa, Bureau de l'imprimerie gouvernementale, 1913, 54 p.

Titre :

Commission chargée d'enquêter sur les accusations de fraude portées contre des Chinois et sur la contrebande d'opium sur la côte du Pacifique, 1910-1911, 0,4 m (vol. 1-2)

Historique :

Le 10 novembre 1909, T.R.E. McInnes, employé par le gouvernement du Canada à préparer une nouvelle loi sur l'immigration, fit des allégations sur l'entrée illégale de Chinois au Canada. En juin 1910, David Lew, interprète chinois à Vancouver, tint des propos analogues à F.C.T. O'Hara, sous-ministre de l'Industrie et du Commerce et contrôleur en chef de l'immigration chinoise à Ottawa. En juillet, M. O'Hara envoya donc Edward Foster, inspecteur de la police du Dominion, à Vancouver pour faire enquête. Le 12 octobre, Foster recommandait que le gouvernement du Canada établisse une commission royale chargée de faire enquête sur l'immigration clandestine de Chinois au Canada.

Le 14 novembre, deux jours seulement après la création de la commission, des accusations parvinrent au ministre des Douanes, voulant que des membres importants du Parti libéral aient fait tout ce qui était en leur pouvoir pour empêcher que l'on prouve les fraudes alléguées, parce qu'ils y avaient participé.

Bien que la commission n'ait pas pu vérifier ces accusations, elle trouva des preuves que des membres de la direction du Parti libéral à Vancouver ainsi que William Templeman, ministre du Revenu intérieur, avaient demandé la réintégration de Yip On, interprète chinois de Vancouver, et de J.M. Bowell, percepteur des douanes et contrôleur de l'immigration chinoise à Vancouver après leur suspension par le ministère.

L'enquête devait se pencher non seulement sur les allégations de fraude, mais aussi sur la question des saisies d'opium. L'enquête sur l'opium résultait d'accusations que les dirigeants des douanes à Vancouver avaient vendu de cette substance ou qu'ils bénéficiaient de sa vente. La contrebande et la vente de l'opium devinrent particulièrement lucratives en 1908, quand la Loi prohibant l'importation, la fabrication et la vente de l'opium à toutes fins autres que celles de la médecine entra en vigueur (Rapport de M. le Juge Murphy, commissaire nommé pour enquêter sur les allégations de fraude portées contre des Chinois et sur la contrebande d'opium sur la côte du Pacifique, 1910-1911. Ottawa, Bureau des impressions gouvernementales, 1913 et 7-8 Ed. VII, ch. 50, 1908).

La commission tint ses audiences du 19 décembre 1910 au 18 mars 1911 à Vancouver, Victoria et Nanaimo. Le 30 septembre 1910 eurent lieu à Vancouver des audiences relatives aux tentatives de marchands chinois pour entrer au Canada sur l'*Empress of China*.

Texte réglementaire :

Décret du conseil C.P. 2281, daté du 12 novembre 1910, en vertu de la Loi sur les enquêtes (S.R.C., 1906, ch. 104) et sur la recommandation du ministre de l'Industrie et du Commerce. Le décret

Deuxième partie (Immigration japonaise) datée du 8 mars 1902. Déposés à la Chambre des communes le 14 avril 1902. Document de la session n° 54, 1902. Intitulé *Rapport de la Commission Royale au sujet de l'immigration chinoise et japonaise* (Ottawa, Imprimeur du Roi, 1902), xiv, 458 p. Le rapport contient la transcription de la preuve de la commission.

Mandat :	Faire enquête et rapport sur : les déclarations et les représentations mentionnées dans le décret C.P. 2187, daté du 21 septembre 1900, que la population et l'Assemblée législative de Colombie-Britannique ont faites à propos de l'immigration chinoise et japonaise dans la province; sur les mesures prises par le gouvernement de Colombie-Britannique pour rendre l' <i>Acte d'immigration chinoise</i> plus restrictif en augmentant la capitation et en diminuant le nombre d'immigrants que chaque navire peut transporter, ou en interdisant l'immigration chinoise; et sur la question de savoir si les Japonais doivent être traités comme les Chinois et s'ils présentent les mêmes caractéristiques inacceptables que celles qui sont prêtées aux Chinois.
Commissaires :	Roger Conger Clute, président, Daniel James Munn et Ralph Smith. En janvier 1901, Smith fut remplacé par Christopher Foley (Décret en conseil C.P. 56, 8 janvier 1901).
Secrétaire :	Francis J. Deane.
Documents :	Rapport sur l'immigration japonaise, rapport sur l'immigration chinoise, comptes rendus d'audiences tenues en Colombie-Britannique et sur la côte ouest des États-Unis. Voir l'instrument de recherche 33/145-148.
Rapport :	Première partie (Immigration chinoise) datée du 18 février 1902.

Titre :

Commission royale d'enquête sur l'immigration chinoise et japonaise
en Colombie-Britannique, 1900-1902, 0,5 m (vol 1-3)

Historique :

À la fin du XIX^e siècle, des organismes syndicaux, des politiciens et des habitants de la Colombie-Britannique étaient très hostiles à l'immigration chinoise. Beaucoup de gens auraient voulu la restreindre considérablement ou même défendre à tous les Chinois d'entrer au Canada. L'Assemblée législative de Colombie-Britannique tenta de limiter les emplois ouverts aux Orientaux dans la province. Dès 1878, elle restreignait l'embauche de la main-d'œuvre chinoise aux travaux publics. Elle vota également un certain nombre de lois discriminatoires contre les Chinois, mais la plupart furent annulées. Les efforts se poursuivirent pour limiter le nombre de Chinois dans la province ou pour les exclure complètement et des pétitions favorables à une augmentation de la capitulation sur les immigrants chinois et à l'adoption de *Loi de 1897 pour la restriction de l'immigration* (exigeant que les immigrants sachent lire l'anglais) affluèrent à Ottawa.

En 1900, Ottawa reçut également des plaintes contre l'immigration japonaise en Colombie-Britannique. Au cours des quatre premiers mois de l'année, 4 669 Japonais et 1 325 Chinois entrèrent dans la province. Cet afflux d'Asiatiques causait un vif mécontentement parmi les travailleurs qui craignaient que le marché du travail soit saturé de main-d'œuvre à bon marché venue de Chine et du Japon. Le gouvernement fédéral était particulièrement réticent à restreindre l'entrée des Japonais au Canada parce qu'une telle mesure aurait été contraire aux politiques impériales. Le gouvernement du Canada adopta cependant l'*Acte d'immigration chinoise* (63-64, Vict. ch. 32, 1900). Cette loi limitait le nombre de Chinois qui pouvaient être amenés au Canada à une personne par 50 tonnes de fret, et augmentait la capitulation de 50 à 100 dollars. Le 14 juin 1900, quand le premier ministre Laurier présenta l'*Acte d'immigration chinoise* à la Chambre des communes, il fit clairement savoir que le gouvernement du Canada mettrait sur pied une commission chargée d'enquêter sur les récriminations suscitées par l'immigration chinoise et japonaise (Harry Con, et al., *From China to Canada : A History of the Chinese Communities in Canada*, Toronto, McClelland and Stewart, 1982, p. 82 *Communities in Canada*, Toronto, McClelland and Stewart, 1982, p. 82 et *Chambre des Communes, Debates*, 14 June 1900, p. 7408-7409).

La commission tint ses audiences du 13 mars au 31 mai 1901 à Victoria, Nanaimo, Union, Vancouver, New Westminster, Kamloops, Vernon, Revelstoke, Rossland, Nelson, Sandon et Kaslo. Les commissaires visitèrent aussi des conserveries, des scieries et d'autres industries de la côte ouest des États-Unis, en particulier à Seattle, Fairhaven, Whatcom, Portland et San Francisco, où étaient employés de nombreux Orientaux.

Texte réglementaire :

Décret du conseil C.P. 2187 daté du 21 septembre 1900, en vertu de l'*Acte concernant les enquêtes sur les affaires publiques* (S.R.C., 1886, ch. 114) et sur la recommandation du secrétaire d'État.

actuellement au Canada et, le cas échéant, déterminer quand et comment ceux-ci y sont entrés, afin d'être en mesure de présenter au Gouverneur en conseil des suggestions et recommandations sur les dispositions à prendre au Canada pour traduire en justice les criminels de guerre pouvant y résider, et de préciser les mécanismes juridiques existants qui pourraient être utilisés à cette fin ou, à défaut, ceux qu'il y aurait lieu pour le Parlement canadien d'instituer par voie législative.

Commissaire :

Jules Deschènes.

Secrétaire :

Karen D. Logan.

Documents :

Huit recherches préparées à la demande de la commission.

Voir l'instrument de recherche 33/144-147.

Autres documents :

Archives nationales du Canada, Bibliothèque des archives nationales. Exemplaire tronqué d'une recherche intitulée *Nazi War Criminals in Canada : The Historical and Policy Setting from the 1940s to the Present*. Préparée par Alti Rodal à la demande de la commission.

Archives nationales du Canada, documents personnels de Paul Yuzyk, MG 32, C 67, vol. 63-68, comptes rendus d'audiences de la Commission Deschènes, notes d'information, coupures de presse, correspondance, mémoires et documents connexes traitant des crimes de guerre.

Les documents originaux de la Commission Deschènes, y compris l'original de la recherche de Rodal mentionnée plus haut, sont conservés à la Section des crimes contre l'humanité et des crimes de guerre du ministère de la Justice, laquelle est responsable, en vertu du *Code criminel*, de la poursuite des personnes soupçonnées d'avoir commis ces crimes.

Rapport :

Date du 30 décembre 1986. Déposé à la Chambre des communes le 12 mars 1987. Document parlementaire n° 332-4/17, 1986-1988. Intitulé *Commission d'enquête sur les criminels de guerre. Rapport*, 1^{ère} partie : publique. Jules Deschènes, commissaire, 30 décembre 1986 (Ottawa, Approvisionnements et Services Canada, 1986), xi, 1004 p.

Les chapitres 8 et 9 du rapport de la Commission Deschènes contiennent 822 opinions sur des cas particuliers. Toutes ces opinions figurent dans la version « publique » du rapport, mais la formulation a parfois été changée pour restreindre les possibilités d'identifier les personnes concernées.

Publications :

Le rapport contient une bibliographie complète.

Deux semaines plus tard, le gouvernement canadien établissait une commission d'enquête chargée de déterminer si Mengele était entré au Canada ou avait cherché à y entrer.

Pour certains, l'établissement par le gouvernement canadien d'une enquête publique sur les criminels de guerre était le fruit des accusations de Littman. Dans son rapport sur les criminels de guerre, Jules Deschènes écrit plutôt que les allégations relatives aux relations de Mengele avec le Canada avaient été la goutte d'eau qui avait fait déborder le vase : l'affaire devait être tirée au clair sans plus tarder et une fois pour toutes.

Mais la question de l'éventuelle entrée de Mengele au Canada n'était qu'un des sujets que le gouvernement demanda à M. Deschènes d'examiner et ce n'était pas l'aspect le plus important de l'enquête. L'enquête devait déterminer « s'il était possible que d'autres personnes responsables de crimes commis dans le cadre des activités de l'Allemagne nazie durant la Deuxième Guerre mondiale (ci-après appelés « criminels de guerre ») se trouvent actuellement au Canada », et ce qui pouvait être fait pour les soumettre à la justice. David Matas conclut qu'on ne peut attribuer l'établissement de cette enquête à un seul facteur, mais que de nombreux éléments y ont contribué : les demandes de plusieurs citoyens préoccupés, le flot d'allégations portées contre des suspects au cours des dernières années, la menace du néo-nazisme concrétisée dans les procès du dénégateur de l'Holocauste, Ernst Zundel, en Ontario, et du professeur d'école secondaire, Jim Keegstra, en Alberta. Les renseignements relatifs à l'éventuelle entrée de Josef Mengele au Canada constituaient eux aussi un facteur, de même que l'élection d'un nouveau gouvernement qui acceptait de s'attaquer publiquement à une question que les précédents gouvernements avaient préféré garder dans l'ombre (*Commission d'enquête sur les criminels de guerre. Rapport*, 1^{ère} partie : Jules Deschènes, commissaire, Ottawa, Canada, 30 décembre 1986 [Ottawa, Approvisionnement et Services Canada, 1986], p. 25-33, 67-82 et 245; décret du conseil C.P. 348, 7 février 1985, et David Matas, *Justice Delayed Nazi War Criminals in Canada*, Toronto, Sumnerhill Press, 1987, p. 151-162).

La commission tint ses audiences du 10 avril au 6 décembre 1985 à Montréal, Hull, Ottawa, Toronto et Winnipeg. Des audiences supplémentaires eurent lieu à Hull, les 5 et 6 mai 1986.

Texte réglementaire :

Décret du conseil C.P. 348, 7 février 1985, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. Le texte français de ce décret fut révoqué par le décret C.P. 635, 28 février 1985, et une nouvelle version fut approuvée. Par ailleurs, la date de soumission du rapport du commissaire au gouverneur en conseil fut modifiée par les décrets suivants : C.P. 3642, 12 décembre 1985; C.P. 1333, 5 juin 1986; et C.P. 2255, 30 septembre 1986.

Mandat :

Procéder à toutes enquêtes nécessaires sur les criminels de guerre au Canada, et notamment, rechercher si des criminels de guerre résident

Commission d'enquête sur les criminels de guerre, 1985-1986, 0,1 m (vol. 1)

Le rapport Deschênes résume comme suit les événements qui ont mené à la création de la Commission d'enquête sur les criminels de guerre :

Peu après la Seconde Guerre mondiale, les crimes commis par les criminels de guerre nazis contre des membres des Forces armées canadiennes furent soumis à la justice européenne; les Forces armées canadiennes engagèrent quatre procès impliquant sept accusés; au moins six autres procès mettant en cause 28 accusés furent intentés par les Forces armées britanniques au nom du Canada.

En 1948, l'Overseas Reconstruction Committee du Cabinet britannique décida qu'aucun autre procès contre des criminels de guerre ne serait ouvert après le 31 août 1948. Le gouvernement britannique expliquait sa décision en disant que la punition des criminels de guerre était plus une question de dissuasion des générations futures que d'imposition de châtement à toutes les personnes coupables. De plus, compte tenu de l'évolution politique probable de l'Allemagne évoquée lors de conversations tripartites, le gouvernement britannique se disait convaincu de la nécessité de se libérer au plus vite de ce passé.

Consultés, les sept Dominions, comme on les appelait alors, à savoir, le Canada, l'Australie, la Nouvelle-Zélande, l'Afrique du Sud, l'Inde, le Pakistan et Ceylan, se rangèrent au point de vue britannique.

Les poursuites contre les criminels de guerre cessèrent au Canada jusqu'en 1980, date à laquelle Robert Kaplan devint Solliciteur général. En mai 1983, Helmut Rauca, un ancien officier SS, fut extradé du Canada vers l'Allemagne de l'Ouest pour crimes de guerre, et fit l'objet de poursuites judiciaires, mais il mourut en prison avant la tenue du procès.

Par ailleurs, dans une lettre du 20 décembre 1984 au premier ministre Mulroney, Sol Littman, représentant canadien du Simon Wiesenthal Centre for Holocaust Studies de Los Angeles, alléguait que Josef Mengele, présumé criminel de guerre nazi (sous le nom de Dr. Josef Mengele), avait déposé, fin mai ou début juin 1962, à l'ambassade du Canada à Buenos Aires une demande d'admission au Canada à titre d'immigrant reçu (il est intéressant de noter que la Commission Deschênes est arrivée à la conclusion que les allégations de Littman n'étaient pas fondées). Littman demandait une enquête immédiate. Le 23 janvier 1985, le *New York Times* publiait un article de Ralph Blumethal sur l'affaire Mengele, d'après des renseignements fournis par Littman.

l'accès à ces documents ne sont pas disponibles pour le moment.

Rapport :

Date de décembre 1986. Déposé à la Chambre des communes le 22 janvier 1987. Document parlementaire n° 332-4/13, 1986-1988. Intitulé *Commission d'enquête, collision ferroviaire de Hinton : rapport du commissaire, l'Honorable juge René Fois, décembre 1986* (Ottawa, Approvisionnement et Services Canada, 1986), x, 215 p.

Texte réglementaire :

Décret du conseil C.P. 382, 10 février 1986, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Transports. La date limite de dépôt du rapport du commissaire fut repoussée du 30 mai au 31 décembre 1986 par le décret C.P. 1578, 26 juin 1986.

Mandat :

Faire enquête et rapport sur la collision survenue le 8 février 1986 au mille 173, ou à proximité, dans la subdivision d'Edson dans la province de l'Alberta, entre le train n° 4 de Via Rail Canada Inc. et le train n° 413 de la Compagnie des chemins de fer nationaux du Canada, et plus particulièrement sur :

- 1) les facteurs ayant contribué à la collision, ainsi que les causes et circonstances y ayant trait :
- 2) la pertinence des lois fédérales, des règlements, des procédures et des normes visant l'exploitation et la sécurité des chemins de fer, en ce qu'ils sont reliés à cette collision;
- 3) la pertinence des usages, procédures et normes en vigueur visant l'exploitation et la sécurité des chemins de fer, tels qu'appliqués par la Compagnie des chemins de fer nationaux du Canada et Via Rail Canada Inc., en ce qu'ils sont reliés à cette collision;
- 4) de la performance des éléments humains et matériels en jeu dans l'exploitation des trains en cause dans cette collision, ainsi que des moyens de contrôle du trafic visant le déplacement des trains;
- 5) des mesures raisonnables qui pourraient être prises pour réduire le risque d'autres collisions au Canada; et
- 6) de toutes autres choses connexes ayant trait aux sujets visés aux articles 1 à 5.

Commissaire :

René Paul Foisy.

Secrétaire :

James R. Hughes.

Documents :

Mémoires, pièces à conviction, comptes rendus d'audiences, dossiers médicaux et documents de la Commission canadienne des transports, du CN, de Via Rail et du CP. Ce fonds contient également un rapport sur la collision ferroviaire de Hinton préparé par E.V. Beamish pour le Comité des transports ferroviaires de la Commission canadienne des transports (voir boîte 15, dossier 20002.24).

Voir l'instrument de recherche 33/143-146.

Autres documents :

Archives nationales du Canada, Commission d'enquête sur la collision ferroviaire de Hinton. Un certain nombre de pièces à conviction ont été transférées aux secteurs photographiques, audio-visuels, cartographiques et architecturaux. Les renseignements permettant

Commission d'enquête sur la collision ferroviaire de Hinton, 1978-1986, 8,4 m (n° d'acquisition 1987-88/127, boîtes 1-28 et douze paquets n°s 29-40)

Vers 8 h 40 du matin, heure normale des Rocheuses, le 8 février 1986, un train de marchandises (n° 413) du Canadien National qui se dirigeait vers l'ouest, négliça un avertisseur lumineux, un signal d'arrêt et un aiguillage et s'engagea sur une voie unique où il entra en collision frontale avec un train de passagers de Via Rail (n° 4) qui circulait en direction de l'est.

L'accident eut lieu sur la ligne principale du CN au mille 173 de la subdivision d'Edson, onze milles à l'est de Hinton (Alberta).

Vingt-trois personnes, dont sept employés du CN et seize passagers, furent tuées, et 71 autres personnes furent blessées dans l'accident. La collision provoqua le déraillement d'environ 80 wagons. De plus, le carburant des locomotives diesel se répandit sur une partie des wagons accidentés et prit feu. On estime que la valeur totale du matériel endommagé ou détruit lors de la collision, qui comprenait six locomotives diesel, un fourgon générateur de vapeur, cinq wagons de passagers, un fourgon à bagages, 75 wagons de marchandises et 541 pieds de voie ferrée, dépasse 30 millions de dollars.

Le gouvernement du Canada ordonna aussitôt une enquête publique sur l'accident. Le ministre des Transports, Don Mazankowski, qui se rendit sur les lieux de la collision le 9 février, déclara le lendemain aux Communes que le gouvernement attachait une importance considérable à la sécurité du système de transport, que tous les Canadiens étaient profondément peints par cette tragédie et que tous les efforts devaient être faits pour déterminer au plus tôt les causes de cet accident. Compte tenu des circonstances à la fois tragiques et exceptionnelles entourant la collision, le gouvernement ordonna la tenue d'une enquête judiciaire pour s'assurer que l'étude serait complète et impartiale.

Bien que les Libéraux et les Néo-démocrates aient été favorables à une enquête, ils auraient préféré une étude plus complète. Le gouvernement refusa d'élargir le mandat parce qu'il était plus important, selon lui, de déterminer la cause de l'accident ferroviaire (*Commission d'enquête, collision ferroviaire de Hinton : rapport du commissaire, l'honorable juge René P. Foisy*, décembre 1986 [Ottawa, Approvisionnements et Services Canada, 1986], p. 3, 15-16 et 31-32; Chambre des Communes, *Débates*, 10 février 1986, p. 10629-10630 et 10635).

La commission tint ses audiences du 24 mars au 25 juin 1986 à Edmonton et Jasper. Elle reçut 541 pièces à conviction.

k) tenir compte des pratiques régissant la détermination de la

peine et la libération, de même que les ressources actuellement disponibles en matière pénale ou pénitentiaire.

Commissaires :

À l'origine, les commissaires étaient : William Robert Sinclair, président; J.R. Omer Archambault, vice-président; Claude Bisson, Anthony H. Doob, Randal S.K. Wong, Albert J.C. Chartrand, Frederick C. Hayes, Bruno J. Pateras et Gladys Young. À la suite de la démission de Sinclair, le 3 décembre 1984, Archambault fut officiellement nommé président et Claude Bisson devint vice-président en février 1985. E.J. Langdon fut également nommé commissaire à cette époque (décret du conseil C.P. 441, 8 février 1985). Sur les neuf commissaires, huit travaillaient à temps partiel. Seul le président était à plein temps.

Secrétaire :

J.R. Omer Archambault.

Documents :

Mémoires, questionnaires, rapports de recherche, dossiers de recherche, procès-verbaux de réunions de la commission, correspondance, coupures de presse et dossiers connexes.

Voir l'instrument de recherche 33/142-145.

Rapport :

Date de février 1987. Déposé à la Chambre des communes le 25 mars 1987. Document parlementaire n° 332-4/18, 1986-1988. Intitulé *Réformer la sentence : une approche canadienne. Rapport de la Commission canadienne sur la détermination de la peine*, février 1987 (Ottawa, Approvisionnements et Services Canada, 1987), xiii, 651 p.

Publications :

Le rapport de la Commission canadienne sur la détermination de la peine contient une importante bibliographie. Elle comprend des références à des travaux de recherche réalisés par la Commission canadienne de réforme du droit et la Commission canadienne sur la détermination de la peine. Un certain nombre d'études de cette commission ont été publiées par la Direction de la recherche et du développement du ministère de la Justice. (Voir *Publications du gouvernement canadien*, vol. 36, juillet-septembre 1988, p. 334-335.)

recours aux sanctions non carcérales;

d) donner leur avis sur la mise en oeuvre des lignes directrices susmentionnées et sur les rapports qui existent et qui devraient exister entre ces lignes directrices et d'autres aspects du droit pénal et de la justice pénale, y compris :

i) le pouvoir discrétionnaire de poursuite du ministère public, les négociations portant sur les chefs d'accusation et les plaidoyers;

ii) les peines minimums prévues dans la loi; et

iii) les dispositions sur la libération conditionnelle et sur la réduction de peine de la Loi sur la libération conditionnelle de détenus et de la Loi sur les pénitenciers ainsi que les règlements pris pour leur application et les modifications qui y sont apportées; et

e) donner leur avis sur l'élaboration et la mise en oeuvre de systèmes d'information nécessaires à la mise à jour et à l'usage le plus efficace des lignes directrices en collaboration avec le Centre canadien de la statistique juridique. Les commissaires doivent prendre en considération le fait que les lignes directrices qu'ils sont chargés de proposer devraient :

f) refléter les principes et les objets de détermination de la peine définis dans toute loi adoptée par le Parlement ainsi que dans l'énoncé de l'objet et des principes du droit pénal que contient *Le Droit pénal dans la société canadienne*;

g) se fonder sur les caractéristiques de l'infraction et du contrevenant;

h) préciser les peines qu'il conviendrait d'appliquer à chaque catégorie d'infractions et à chaque catégorie de contrevenants, et notamment les circonstances dans lesquelles il y aurait lieu d'emprisonner les contrevenants;

i) recommander, dans le cas des lignes directrices prévoyant une peine d'emprisonnement, la durée que devrait avoir cette peine tout en veillant, lorsque cette durée peut varier, à maintenir un écart acceptable entre le minimum et le maximum;

j) donner une liste non exhaustive des circonstances atténuantes ou aggravantes et indiquer dans quelle mesure elles peuvent modifier les peines normalement applicables à une infraction donnée; et

Texte réglementaire :

infractions relevant du *Code criminel* (S.R.C., 1970, ch. C34), de la *Loi sur les stupéfiants* (S.R.C., 1970, ch. N1) et des parties III et IV de la *Loi sur les aliments et drogues* (S.R.C., 1970, ch. F27). (Canada. *Le droit pénal dans la société canadienne*. Ottawa, août 1982, p. 33; Canada. *Commission de réforme du droit du Canada*, 13^e rapport annuel, 1983-1984. [Ottawa, Approvisionnements et Services Canada, 1984], p. 10; Communiqué de presse, ministre de la Justice et procureur général, Mark MacGuigan, 14 mai 1984; et J.R. Omer Archambault, « Sentencing Reform », *Ontario Lawyers Weekly*, 22 février 1985).

Lorsque la Commission canadienne sur la détermination de la peine fut créée, on pensait que les dispositions du projet de loi C-19 allaient devenir texte de loi. Toutefois, le projet de loi mourut au Feuilleton, le Parlement ayant été dissous le 9 juillet 1984. Bon nombre des dispositions du projet de loi C-19, à l'exception de celles relatives à la détermination de la peine, furent ultérieurement incorporées à la *Loi modifiant le Code criminel*, 1985 (33-34 Eliz. II, ch. 19), qui prit effet le 4 décembre 1985.

La commission n'a pas tenu d'audiences publiques, mais elle a reçu plus de 90 mémoires de groupes nationaux, provinciaux et locaux, plusieurs associations de juges et de particuliers. Elle a également rencontré diverses associations professionnelles et communautaires, ainsi que diverses autorités canadiennes, américaines, anglaises et australiennes en matière de détermination de la peine.

Décret du conseil C.P. 1585, 10 mai 1984, et décret du conseil C.P. 441, 8 février 1985, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1970, ch. I-13) et sur la recommandation du premier ministre. La date de soumission du rapport de la commission au gouverneur en conseil fut modifiée par les décrets suivants : C.P. 587, 6 mars 1986; C.P. 2241, 25 septembre 1986; C.P. 2625, 20 novembre 1986; C.P. 118, 29 janvier 1987; et C.P. 362, 2 mars 1987.

Mandat :

a) étudier la question des peines maximales visées par le Code criminel et les lois connexes et donner leur avis sur les modifications jugées souhaitables relativement à certaines infractions, compte tenu de leur gravité comparativement à d'autres infractions, notamment celles qui entraînent la même peine;

b) étudier l'efficacité de diverses alternatives possibles en ce qui a trait aux lignes directrices en matière de détermination de la peine pour élaborer un projet de lignes directrices s'appliquant en la matière, et donner leur avis sur le mode d'application le plus pratique et le plus souhaitable de ces lignes directrices compte tenu du contexte canadien, et sur des modalités de révision permanente aux fins de leur mise à jour;

c) rechercher et élaborer des lignes directrices distinctes régissant la détermination de la peine en ce qui concerne i) les différentes catégories d'infractions et de contrevenants; et ii) le

Commission canadienne sur la détermination de la peine, 1981-1987, 4,5 m (n° d'acquisition 1987-88/118, boîtes 1-15)

La mise sur pied, en mai 1984, de la Commission sur la détermination de la peine, résultait d'une promesse faite par le gouvernement du Canada dans un énoncé de politique sur la peine, le 7 février 1984. À cette époque, le ministre de la Justice, Mark MacGilligan, avait déposé au Parlement tout un ensemble de dispositions qui furent intégrées à la *Loi modifiant le droit pénal*, 1984 (projet de loi C-19). Ces dispositions s'appuyaient sur certains principes de détermination de la peine proposés dans un document d'orientation sur le droit pénal intitulé *Le droit pénal dans la société canadienne* et dans divers rapports de la Commission canadienne de réforme du droit, et, plus particulièrement, dans *Dispositions et sentences dans le processus criminel : directives*.

Le droit pénal dans la société canadienne, par exemple, remarquait en premier lieu l'absence de politique ou de principes clairs régissant la détermination de la peine; deuxièmement, l'apparente disparité des sentences prononcées dans des circonstances analogues; et, troisièmement, le fait que, malgré le peu de connaissances que l'on ait sur l'efficacité des diverses condamnations, ce que l'on savait portait à croire que les choix et les pratiques de détermination de la peine laissaient beaucoup de place à l'innovation et à une plus grande efficacité.

En février 1985, lorsque J.R. Omer Archambault eut succédé à William Robert Sinclair à la présidence de la Commission sur la détermination de la peine, il souligna que l'enquête devait examiner un certain nombre de questions que ne couvrait pas le projet de loi C-19. Parmi ces questions figuraient les peines maximales et minimales obligatoires prescrites par le *Code criminel*, les différents modes d'application des directives de détermination de la peine dans le contexte canadien; les rapports entre les directives et le pouvoir discrétionnaire de la poursuite; les négociations portant sur les plaidoyers et les chefs d'accusation; la libération conditionnelle et la remise de peine; et les systèmes d'information nécessaires à l'utilisation et à la tenue à jour des directives de détermination de la peine. Selon Archambault, bien que le gouvernement fédéral ait été parfaitement conscient que ces questions de procédures, de preuve et de niveau de sanction pouvaient être réglées par la proposition immédiate de changements législatifs, il était convaincu du bien-fondé de créer un organisme qui procéderait à un examen plus approfondi des importantes questions évoquées ci-dessus et qui étudierait les relations entre les questions de détermination de la peine et d'autres aspects du système de droit pénal.

Archambault précisait bien, cependant, que les questions relatives à la peine capitale et les dispositions de la *Loi sur les jeunes contrevenants* (29-30-31-32 Eliz. II, ch. 110, 1980-1983) n'entraient pas dans le mandat de la commission. L'enquête se limitait aux

Rapport sur les réclamations contre la Tchécoslovaquie. Daté du 15 juillet 1986. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the Czechoslovakian Claims Program », 4 p. Liste de requérants admissibles et non admissibles.

Rapport de la Commission des réclamations étrangères. Daté du 28 juillet 1986. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission to the Secretary of State for External Affairs on Potentially Valid Claims against Yugoslavia and the Estimated Quantum Thereof », 7 p. Le rapport comprend les tables 1-9 et les annexes A-E.

Rapport de la Commission des réclamations étrangères. Daté du 1^{er} juin 1990. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission to Her Excellency the Governor General in Council », Ottawa, Canada, Peter A. Hargadon, commissaire, 12 p.

Tous les rapports mentionnés ci-dessus se trouvent dans les archives de la Commission des réclamations étrangères (RG 33/141, n° d'acquisition 1987-88/006, boîte 131).

commissaire (voir décrets du conseil C.P. 213, 30 janvier 1975 et C.P. 1447, 28 mai 1981. Le premier commissaire en chef de la Commission des réclamations étrangères, Thane A. Campbell, qui fut aussi commissaire en chef chargé des réclamations à la Commission des réclamations de guerre, mourut le 28 septembre 1978).

Documents :

Dossiers de requérants ou de groupes de requérants dont les demandes ont été étudiées par la commission. Ces dossiers concernent les pays suivants : Chine, Cuba, Hongrie, Pologne, Roumanie, Tchécoslovaquie. Ce fonds contient aussi plusieurs rapports relatifs aux travaux de la commission (voir n° d'acquisition 1987-88/006, boîte 131).

Voir l'instrument de recherche RG 33/141-144.

Rapports :

Rapport sur les réclamations contre la Hongrie. Date du 31 mars 1977. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission on Hungarian Claims », 5 p. Liste de requérants admissibles et non admissibles.

Rapport sur les réclamations contre la Roumanie. Date du 27 mai 1977. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission on Romanian Claims », 2 p. Liste de requérants admissibles et non admissibles.

Rapport sur les réclamations contre la Pologne. Date du 4 mars 1981. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission on Polish Claims », 4 p. Liste de requérants admissibles et non admissibles.

Rapport sur les réclamations contre la Chine. Date du 26 novembre 1985. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié du rapport intitulé « Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the China Claims Program », 4 p. Liste de requérants admissibles et non admissibles.

Rapport des réclamations étrangères. Date du 12 décembre 1985. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié intitulé « Report of the Foreign Claims Commission to Her Excellency the Governor General in Council », 8 p. et tableaux I à VI.

Rapport sur les réclamations contre Cuba. Date du 10 juillet 1986. N'a pas été déposé à la Chambre des communes. Exemplaire dactylographié intitulé « Report of the Foreign Claims Commission to the Secretary of State for External Affairs and the Minister of Finance on Conclusion of the Cuban Claims Program », 2 p. Liste de requérants admissibles et non admissibles.

Que les commissaires soient autorisés, sous réserve de tout règlement que peut édicter le Gouverneur en conseil, à examiner toutes les réclamations décrites ci-dessus, et qu'ils soient requis de faire rapport sur ces réclamations au secrétaire d'Etat aux Affaires extérieures et au ministre des Finances en précisant leur avis sur la question de savoir si chaque réclamant a droit à une indemnité payée sur la Caisse, les raisons qui ont motivé leur opinion et le montant qu'ils recommandent de payer à l'égard de chacune des réclamations (Décret du conseil C.P. 2077, 8 décembre 1970).

Le décret du conseil C.P. 1447, 28 mai 1981, élargit ce mandat de la façon suivante :

a) Enquêter, faire rapport et formuler des recommandations sur des réclamations déposées par des citoyens canadiens relativement à des droits ou d'autres intérêts touchés par des mesures de nationalisation, d'expropriation, de prise en administration ou par toute autre mesure législative ou administrative semblable pratiquées par des gouvernements étrangers;

b) lorsqu'un accord sur les réclamations portant sur le règlement de réclamations canadiennes n'a pas été signé avec un autre gouvernement, les commissaires soient chargés d'enquêter sur les réclamations qui leur sont soumises par le secrétaire d'Etat aux Affaires extérieures et d'aviser ce dernier, d'après les pièces existantes qu'il leur aura remises, du nombre de réclamations déposées contre le gouvernement en question qu'ils jugent valides, du montant correspondant à ces demandes et des motifs de leur opinion;

c) lorsqu'un accord sur les réclamations portant sur le règlement de réclamations canadiennes a été signé avec un autre gouvernement, les commissaires soient chargés, sous réserve des règlements que peut établir le Gouverneur en conseil, d'indiquer au secrétaire d'Etat aux Affaires extérieures et au ministre des Finances si, à leur avis, un requérant est admissible au dédommagement effectué sur la Caisse des réclamations étrangères, précisant les motifs de leur opinion et leurs recommandations quant au montant qui devrait être versé dans le cas de chacune des réclamations.

Commissaires :

À l'origine, les commissaires étaient Thane Alexander Campbell, commissaire en chef, et Thomas D. MacDonald, commissaire adjoint.

En janvier 1975, J. Harrison Cleveland fut nommé commissaire et Thomas D. MacDonald devint sous-commissaire. Ces changements furent provoqués par le fait que M. Campbell tomba gravement malade en janvier 1974 et qu'il se trouva dans l'impossibilité d'assumer ses responsabilités après cette date.

En mai 1981, Thomas D. MacDonald fut promu au rang de commissaire en chef et J. Harrison Cleveland devint sous-

présent fonds ne relèvent de cette enquête.

Texte réglementaire :

Décret du conseil C.P. 2077, 8 décembre 1970, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du secrétaire d'Etat aux Affaires extérieures et du ministre des Finances. Ce décret autorisait les commissaires à étudier les réclamations des sociétés ou citoyens canadiens contre la Hongrie. Des décrets subséquents autorisèrent les commissaires à traiter les réclamations présentées contre les pays suivants :

Roumanie, décret du conseil C.P. 571, 28 mars 1972;

Pologne, décret du conseil C.P. 571, 28 mars 1972; révoqué par le décret C.P. 1447, 28 mai 1981;

Tchécoslovaquie, décret du conseil C.P. 3495, 6 novembre 1973; révoqué par le décret C.P. 1447, 28 mai 1981;

Cuba, décret du conseil C.P. 128, 22 janvier 1981; révoqué par le décret C.P. 2513, 16 septembre 1981.

Le décret du conseil C.P. 1447 du 28 mai 1981 (modifié par C.P. 2471, 10 août 1983), élargit le mandat de la commission qui fut ainsi habilitée à établir une évaluation préliminaire des réclamations de citoyens canadiens contre un pays étranger avant même la signature de l'entente avec ce pays. Le vote parlementaire 16b du ministère des Finances dans la *Loi de crédits n° 3*, 1980-1981, qui conférait l'autorisation de payer, permit cette procédure anticipée. Le nouveau mandat autorisait les commissaires à étudier les réclamations des citoyens canadiens contre la Pologne, la Tchécoslovaquie et Cuba. De plus, les réclamations contre la Chine furent confiées à la Commission des réclamations étrangères par le décret C.P. 992 du 1^{er} avril 1982.

Le mandat de la Commission des réclamations étrangères fut encore élargi par le décret du conseil C.P. 1169, 9 juin 1987. Elle fut autorisée à examiner les réclamations de sociétés ou de citoyens canadiens contre l'Allemagne de l'Est et la Yougoslavie.

Mandat : Le premier mandat était le suivant :

Faire enquête et rapport sur :

i) les réclamations présentées par des citoyens canadiens et le Gouvernement du Canada contre des citoyens hongrois et le Gouvernement de la République populaire de Hongrie, et

iii) toutes autres réclamations que le Gouverneur en conseil peut renvoyer à la Commission à la suite desquelles une indemnité peut être payée sur la Caisse des réclamations étrangères

des ententes. On trouvera ci-après une liste de ces pays, la date des ententes respectives et les décrets régissant le règlement des réclamations étrangères. (Ces textes réglementaires relèvent de l'autorité générale du crédit parlementaire 22(a) de l'annexe B de la Loi de crédits n° 9, 1966) :

<u>Pays</u>	<u>Date</u>	<u>Décrets du conseil</u>
Hongrie	01/06/70	C.P. 2078, 08/12/70 C.P. 175, 28/01/75
Roumanie	13/07/71	C.P. 570, 28/03/72 C.P. 177, 28/01/75
Pologne	15/10/71	C.P. 2311, 21/09/72 C.P. 176, 28/01/75 C.P. 2936, 18/12/75
Tchécoslovaquie	18/04/73	C.P. 3495, 06/11/73 C.P. 174, 28/01/75 C.P. 3368, 04/11/82 C.P. 507, 14/02/84
Cuba	07/11/80	C.P. 127, 22/01/81 C.P. 2512, 16/09/81
Chine	20/08/81	C.P. 995, 01/04/82 C.P. 2672, 01/09/83

Si la Commission des réclamations étrangères statuait que le requérant était admissible à une compensation, l'argent qui lui était versé provenait de la Caisse des réclamations étrangères. Le paiement, toutefois, n'était fait que lorsque les recommandations de la commission au Secréariat d'Etat aux Affaires extérieures et au ministre des Finances avaient été approuvées par ces ministres. De plus, le requérant devait signer une renonciation par laquelle il déclinaît tout droit de toucher de nouvelles compensations de la Caisse de réclamations étrangères. Les recommandations de la commission incluaient le nom du requérant admissible, le montant qui devait lui être versé et la justification de la décision (*Comptes publics du Canada*, exercice financier prenant fin le 31 mars 1967, vol. II, crédit parlementaire 22a, Annexe B, *Loi de crédits n° 9*, 1966, et décrets C.P. 2077, 8 décembre 1970 et C.P. 1447, 28 mai 1981. Les documents de cette commission contiennent en outre divers avis à d'éventuels requérants qui comprennent des renseignements sur la portée des négociations, les exigences de nationalité, l'évaluation des réclamations, les preuves requises à l'appui des réclamations, etc.)

Lors d'une enquête distincte de 1987, Peter A. Hargadon se vit confier un mandat de deux ans par le décret du conseil C.P. 1169, 9 juin 1987, afin d'examiner les réclamations de sociétés et de citoyens canadiens contre la République démocratique allemande et la Yougoslavie. Toutefois, aucun des documents figurant dans le

Commission des réclamations étrangères, 1944-1987, 40,8 m (n° d'acquisition 1987-88/006 et 1987-88/141, boîtes 1-131 et 1-3)

L'adoption du crédit parlementaire 22(a) du ministère des Finances, à l'annexe B de la *Loi de crédits* n° 9, 1966 (14-15 Eliz. II, ch. 55), visait à autoriser le ministre fédéral des Finances à établir un compte spécial dans le Fonds du revenu consolidé, compte connu sous le nom de Caisse des réclamations étrangères. Dans ce compte étaient crédités tous les montants reçus de gouvernements étrangers avec lesquels le gouvernement du Canada avait conclu des ententes relatives aux propriétés nationalisées, confisquées, expropriées ou affectées de quelque autre façon. Ces ententes, qui furent signées avec certains pays étrangers après le 1^{er} avril 1966, portaient essentiellement sur le règlement des réclamations de sociétés ou de citoyens canadiens. Pour être admissibles aux compensations, les requérants devaient répondre à certaines exigences de citoyenneté qui pouvaient varier d'un pays à l'autre. En ce qui concerne la Roumanie, la Pologne, Cuba et la Tchécoslovaquie, il fallait, en règle générale, être citoyen canadien à l'époque de la perte des biens et à la date de signature de l'entente. Pour ce qui est de la Chine et de la Hongrie, le dépôt de réclamations n'était autorisé que pendant un temps limité après la signature de l'entente avec ces pays. Le cas de la Roumanie présentait une difficulté supplémentaire dans la mesure où l'exigence relative au moment de la perte des biens avait été prolongée pour les personnes qualifiées de « ressortissants des Nations Unies » en vertu du traité de paix signé avec ce pays.

Les requérants devaient soumettre les détails de leurs réclamations au ministère des Affaires extérieures accompagnés de documents d'appui (actes notariés, testaments, etc.). Ils devaient également inclure une évaluation des pertes fondée sur la valeur marchande juste ou raisonnable de la propriété à l'époque de sa perte. La Commission des réclamations étrangères dut parfois demander plus de preuves aux requérants. Elle dut également prévoir des dispositions lui permettant de fixer des audiences, particulièrement quand les requérants étaient déboutés ou qu'ils se montraient insatisfaits du montant reçu.

Les réclamations pour dommages de guerre n'étaient pas prises en considération parce qu'elles avaient déjà été réglées par la Commission des réclamations de guerre, créée en octobre 1952. Il en était de même pour les propriétés situées dans un territoire cédé ou intégré à un autre pays.

En 1970, la Commission des réclamations étrangères fut établie pour déterminer l'admissibilité des requérants aux compensations de la Caisse des réclamations étrangères. Elle visait plus spécialement à traiter les réclamations des citoyens canadiens à l'égard du gouvernement hongrois.

Par la suite, elle s'occupa aussi de déterminer l'admissibilité d'autres réclamations contre d'autres pays avec lesquels le Canada avait signé

a) un examen de toutes les circonstances et de tous les facteurs qui ont contribué à créer les conditions qui ont mené à la fermeture des deux banques; et

b) des interventions consécutives des instances de réglementation du gouvernement du Canada et de ses organismes, y compris la Banque du Canada;

Si le commissaire conclut que les circonstances l'exigent, recommander tous changements à la réglementation et au contrôle administratif de l'industrie bancaire au Canada.

Commissaire :

Willard Zebedee Estey.

Secrétaire :

Paul Ollivier.

Documents :

Pièces à conviction, mémoires et comptes rendus d'audiences. Ce fonds comprend également des documents relatifs à l'avocat-conseil de la commission, à l'inspecteur général des banques, à la Banque du Canada, à la Société d'assurance-dépôts du Canada, à la Banque royale du Canada et à d'autres établissements financiers canadiens et américains.

Voir l'instrument de recherche 33/140-143.

Autres documents :

Archives nationales du Canada, Commission d'enquête sur la faillite de la Banque commerciale du Canada et de la Norbanque, Documents audio-visuels, Canadian Broadcasting Corporation, Télévision, Bureau parlementaire, cassettes magnétoscopiques, audiences publiques de la commission, 1985-1986, environ 123 h, n° d'acquisition 1988-0322; cassettes magnétoscopiques montrant des « occasions de photos » offertes aux journalistes chargés de la couverture des audiences de la commission, 1985-1986, environ 1 h 40, n° d'acquisition 1989-0265.

Rapport :

Date du 27 août 1986. Déposé à la Chambre des communes le 24 octobre 1986. Document parlementaire n° 332-4/5, 1986-1988. Intitulé *Rapport de la Commission d'enquête sur la faillite de la Banque Commerciale du Canada et de la Norbanque*, août 1986. Willard Z. Estey, commissaire (Ottawa, Approvisionnements et Services Canada, 1986), xvii, 745 p.

Publications :

Le rapport de la commission contient une liste de 18 études ou rapports traitant d'établissements financiers canadiens et de réglementation.

Comme le soulignait Willard Estey, commissaire qui mena l'enquête sur les faillites bancaires, l'effondrement de la BCC en mars 1985 ébranla les marchés financiers. Les gestionnaires financiers professionnels classaient la Norbanque dans la même catégorie que la BCC. Les dépôts diminuèrent rapidement. Sans les avances de liquidités de la Banque du Canada pour remplacer les dépôts retirés, la banque n'aurait pas pu continuer ses activités. Ces avances s'élevaient à environ 500 millions de dollars.

En dépit des appréhensions qu'inspirait la santé financière de la Norbanque, ce n'est qu'en août 1985 que l'inspecteur général des banques demanda un examen approfondi de ses actifs. Bien que les pertes dues aux prêts aient sérieusement érodé son capital de base, la Norbanque ne fut pas liquidée avant octobre 1985, parce que la direction croyait encore qu'une fusion ou qu'une réorganisation financière étaient possibles.

Le 30 septembre 1985, le jour même de la fermeture de la Norbanque, le gouvernement du Canada nomma une commission royale chargée d'enquêter sur la faillite des deux banques albertaines et de faire rapport sur la réglementation du système bancaire canadien en général.

Il semble que cette nomination soit due aux difficultés que le gouvernement avait à persuader l'opposition de prendre part à un comité parlementaire sur les faillites bancaires. L'opposition voulait l'assurance que ce comité aurait accès à certains documents confidentiels relatifs aux banques non solvables, mais le gouvernement ne pouvait donner de telles garanties.

Le 27 septembre, quand toutes les parties eurent accepté de prendre part à un comité parlementaire, le gouvernement décida brusquement d'établir une commission d'enquête. Il présenta également une loi à la Chambre des communes visant à rembourser les déposants non assurés (*Rapport de la Commission d'enquête sur la faillite de la Banque Commerciale du Canada et la Norbanque* [Ottawa, Approvisionnement et Services Canada, 1986], p. 1-18; et le *Citizen* d'Ottawa, 30 septembre, 1^{er} octobre et 7 octobre 1985).

La commission tint ses audiences du 7 octobre 1985 au 22 mai 1986 à Ottawa, Edmonton et Calgary. Certaines audiences eurent lieu à huis clos. La commission reçut 344 pièces à conviction. Au cours de l'enquête, elle consulta des experts en affaires bancaires au Canada, en Grande-Bretagne et aux États-Unis.

Décret du conseil C.P. 2932, 29 septembre 1985, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Enquêter et faire rapport sur les circonstances entourant la cessation des opérations de la Banque commerciale du Canada et de la Norbanque, y compris :

Mandat :

Texte réglementaire :

Titre :

Commission d'enquête sur la faillite de la Banque Commerciale du Canada et la Norbanque (1984-1986, 5,7 m, n° d'acquisition 1986-87/407, boîtes 1-19)

Historique :

La Banque Commerciale du Canada (BCC), dont le siège se trouvait à Edmonton, fit faillite le 1^{er} septembre 1985. Le même jour, la Norbanque, installée à Calgary, devenue insolvable, fut confiée à un curateur. Elle cessa ses opérations le 30 septembre et fut ensuite liquidée. Ces deux institutions étaient les premières banques canadiennes à charte à faire faillite depuis l'effondrement de la Home Bank of Canada, en 1923.

Fondée en 1975, la BCC ne tarda pas à éprouver des difficultés financières. Elle consentit plusieurs prêts malheureux en particulier dans l'immobilier, l'énergie et la construction. En outre, son achat d'intérêts minoritaires dans la Westlands Bank of California se révéla un mauvais placement.

Selon le directeur général de la BCC, Gerald McLaughlan, le germe de l'antéanissement de la banque avait été introduit dans le portefeuille de prêt avant même son entrée en fonction, au début de 1983. Il reconnaissait rétrospectivement que la banque était condamnée dès 1983. Les mauvaises créances accordées au cours des premières années de fonctionnement de la banque pouvaient être considérées comme étant la cause première de sa chute.

En mars 1985, confrontée à un grand nombre de prêts douteux encore en suspens, la BCC fut obligée de demander l'aide financière du gouvernement fédéral. En collaboration avec le gouvernement de l'Alberta et six banques à charte, le gouvernement du Canada organisa un plan de 255 millions de dollars pour secourir la banque aux abois. Le plan ne fonctionna pas parce que les chiffres fournis par la BCC au gouvernement étaient inexacts et ne reflétaient pas le montant d'argent dont la banque avait réellement besoin à ce moment-là. En fait, la Banque du Canada eut encore à avancer 1,3 milliard de dollars à la BCC entre la tentative de sauvetage et sa fermeture en septembre. La décision de fermer la banque était inéluctable après le rapport Hitichman, le 13 août 1985. Préparé par un groupe de banquiers à la retraite, ce rapport révélait que les actifs réels de la BCC ne correspondaient pas à ceux qui étaient indiqués dans les rapports financiers. Le rapport Hitichman indiquait également que le total des pertes dues aux prêts pouvait être de l'ordre d'un milliard de dollars. Aussi, le gouvernement décida-t-il qu'il ne pouvait aider davantage la banque et il l'autorisa à fermer.

Quant à la Norbanque, créée en 1976, elle connaissait de sérieuses difficultés financières depuis 1982. Elle avait prêté d'énormes sommes d'argent à des emprunteurs incapables de rembourser. Cette situation résultait de la récession prolongée qui frappait l'Ouest canadien. La Norbanque eut à souffrir d'un très sérieux manque de confiance en 1985 quand le plan de sauvetage de la BCC fut connu publiquement.

Les commissaires accorderont également une attention toute particulière

i) aux vues des employeurs et des travailleurs mentionnés à l'alinéa a) ainsi que des associations qui représentent ces employeurs et travailleurs sur les questions mentionnées aux alinéas a) et b), etc.

ii) aux recommandations et conclusions de la Commission royale d'enquête sur l'union économique canadienne et les perspectives de développement qui ont trait au Régime d'assurance-chômage.

Commissaires : Claude E. Forget, président, Roy F. Bennett, John J. Munro, Frances J. Soboda, Moses O. Morgan et Guyaine Sautier.

Secrétaires : La secrétaire était Elizabeth Dowdeswell. En septembre 1986, elle a été remplacée par Nola K. Seymour.

Documents : Comptes rendus d'audiences, mémoires, dossiers préparatoires, travaux de recherche, procès-verbaux de réunions de la commission, coupures de presse et communiqués de presse. Ce fonds comprend également des lettres envoyées par des particuliers, des organismes, des associations, des fonctionnaires et des ministères.

Voir l'instrument de recherche 33/139-142.

Autres documents : Archives nationales du Canada, Commission d'enquête sur l'assurance-chômage. Documents audio-visuels. Enregistrements sonores sur cassettes d'audiences publiques, environ 348 h, n° d'acquisition 1987-0314.

Rapports :

Rapport final. Date de novembre 1986. Déposé à la Chambre des communes le 3 décembre 1986. Document parlementaire n° 332-4/6, 1986-1988. Intitulé *Rapport de la Commission d'enquête sur l'assurance-chômage* (Ottawa, Approvisionnement et Services Canada, 1986), 559 p.

Résumé du rapport. Date de novembre 1986. Déposé à la Chambre des communes le 3 décembre 1986. Document parlementaire n° 332-4/6, 1986-1988. Intitulé *Résumé du rapport de la Commission d'enquête sur l'assurance-chômage* (Ottawa, Approvisionnement et Services Canada, 1986), 103 p.

Décret du conseil C.P. 2162, 4 juillet 1985, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre de l'Emploi et de l'Immigration; modifié par les décrets du conseil C.P. 730, 26 mars et C.P. 2256, 30 septembre 1986.

Texte réglementaire :

Faire enquête et rapport sur le rôle du Régime d'assurance-chômage dans le contexte du système de sécurité sociale du Canada en vue d'améliorer le fonctionnement du marché du travail au Canada, de soutenir plus efficacement le développement économique du Canada, d'assurer un financement équitable du régime et d'offrir des possibilités nouvelles et meilleures aux Canadiens qui sont temporairement sans emploi :

a) en examinant, en ce qui concerne le régime, le bien-fondé et le caractère adéquat

- i) de l'assujettissement, des normes d'assurabilité et d'admissibilité ainsi que des conditions ouvrant droit aux prestations;
- ii) de la structure des prestations;
- iii) du financement par les employeurs, les travailleurs et le gouvernement du Canada des diverses composantes du régime;
- iv) de la portion des coûts du régime qu'assument respectivement les employeurs, les travailleurs, et le gouvernement du Canada;
- v) des utilisations innovatrices du Compte d'assurance-chômage aux fins précisées aux articles 37, 38 et 39 de la *Loi de 1971 sur l'assurance-chômage*;
- vi) de tous les autres aspects du régime pouvant être mis à jour au cours de l'enquête;

b) en faisant enquête sur

- i) les moyens de remédier aux lacunes du régime;
- ii) les façons dont le régime pourrait être utilisé pour favoriser la réintégration des prestataires sur le marché du travail et leur adaptation à celui-ci;
- iii) les modifications à apporter aux exigences auxquelles doivent satisfaire les prestataires pour toucher des prestations;
- iv) les mesures d'ordre administratif qui doivent être prises pour maintenir ou améliorer l'intégrité du régime;

gouvernement avait l'intention de mener une enquête approfondie sur l'assurance-chômage. Selon Willis, cette enquête viserait à permettre l'amélioration et la simplification du système d'assurance-chômage, de le rendre plus juste et de s'assurer qu'il s'ajuste avec flexibilité au marché du travail. Le ministre soulignait aussi que cette enquête n'était pas entreprise dans le but de réduire les prestations fédérales versées aux chômeurs.

Le gouvernement décida donc d'établir une enquête publique sur le régime d'assurance-chômage et, le 4 juillet 1985, la ministre de l'Emploi et de l'Immigration, Flora MacDonald, en annonça la création. Claude Forget, qui présidait la commission, considérait que son mandat était d'examiner comment l'assurance-chômage pouvait contribuer au développement de l'économie canadienne et au bon fonctionnement du marché du travail; comment rendre le programme juste pour tous; et comment s'assurer qu'il offrait l'aide la plus profitable aux Canadiens temporairement sans emploi. Toujours selon C. Forget, la commission devait examiner toutes les facettes du programme d'assurance-chômage, sa couverture, les critères d'admissibilité, le montant et la durée des prestations, ainsi que son financement et son administration.

De plus, les commissaires devaient accorder une attention toute particulière aux recommandations et conclusions de la Commission royale d'enquête sur l'union économique canadienne et les perspectives de développement [Commission Macdonald] qui ont traité au Régime d'assurance-chômage. Conséquemment, la Commission Forget recommanda l'établissement d'un programme de supplément du revenu semblable à celui proposé par la Commission Macdonald (*Résumé du rapport de la Commission d'enquête sur l'assurance-chômage* [Ottawa, Approvisionnements et Services Canada, 1986], p. 5; coupures de presse, RG 33/139, vol. 58-59, le *Citizen* d'Ottawa, 18 janvier 1986; Chambre des Communes, *Debates*, 8 novembre 1984, p. 102-103 et 23 mai 1985, p. 5015).

Tout-à-fait par hasard, la province de Terre-Neuve nomma également une enquête publique sur le chômage, présidée par John Douglas House (Voir : *Building on our Strengths : Report of the Royal Commission on Employment and Unemployment*, St. John's (Terre-Neuve), 1986, 515 p.).

Les audiences de la Commission Forget se sont déroulées du 28 octobre 1985 au 15 février 1986 dans toutes les capitales provinciales, ainsi qu'à Moncton, Bathurst, Newcastle, Glace Bay, Montréal, London, Windsor, Thunder Bay, Sudbury, Hamilton, Ottawa, Calgary, Vancouver, Yellowknife et Whitehorse.

Les travaux de la commission ont également inclus un certain nombre de réunions avec diverses collectivités, des excursions sur le terrain, des tables rondes et des consultations. La commission a reçu 1 497 mémoires et de nombreuses lettres.

Au début des années 1980, le taux de chômage au Canada était élevé. En 1984, par exemple, la moyenne était de 11,3 p. 100 et près de 10 milliards de dollars étaient versés en prestations d'assurance-chômage. Ce montant dépassait de beaucoup les contributions à la caisse d'assurance-chômage. La différence, qui devait être prélevée sur les revenus généraux du gouvernement du Canada, creusait le déficit.

Les critiques soutenaient que le principe même de l'assurance, essentiel à une juste application de la *Loi sur l'assurance-chômage* (19-20, Eliz. II, ch. 48, 1970-1971), n'avait pas été respecté. Selon un journaliste de *Southern News*, avec le temps et avec la modification des objectifs, la couverture avait été élargie et les fonds de l'assurance-chômage ne servaient plus seulement aux chômeurs, mais aussi aux programmes de formation de la main-d'œuvre, aux programmes de création d'emploi, aux maladies, aux congés de maternité, au travail partagé, aux pêcheurs, à l'adoption et aux retraités.

Les critiques reprochaient aussi au régime d'assurance-chômage d'encourager les chômeurs à prendre des emplois temporaires et à ne travailler que le temps minimum requis pour être admissibles aux prestations. De plus, ce système incitait les chômeurs chroniques à demeurer dans des régions très touchées par le chômage. En outre, il apparaissait comme injuste parce que, dans des circonstances analogues, les travailleurs occasionnels recevaient de plus fortes prestations d'assurance-chômage s'ils vivaient dans des régions à taux de chômage élevé. Quant aux programmes de création d'emploi, ils ne contribuaient généralement pas au développement économique à long terme ou à la création d'emplois stables.

Malgré ces faiblesses, il était politiquement trop dangereux pour le gouvernement d'apporter des changements radicaux au régime d'assurance-chômage. Par exemple, si les prestations étaient réduites, le fardeau du chômage retomberait sur les gouvernements provinciaux et municipaux. Par ailleurs, une telle diminution perturberait sérieusement l'économie des régions très touchées par le chômage, sans parler de la sécurité du revenu des sans-emploi. Idéalement, le gouvernement aurait pu, sans conséquences politiques néfastes, corriger certaines des injustices du système, éliminer les abus les plus évidents et faire disparaître les aspects qui dissuadaient les chômeurs de retourner au travail.

Dans un rapport économique au Parlement, daté du 8 novembre 1984, le ministre des Finances, Michael Wilson, annonçait que le gouvernement procéderait à un examen du régime d'assurance-chômage, qui serait suivi d'une étude parlementaire. De plus, dans la présentation du budget du 23 mai 1985, Wilson répéta que le

Rapport final. Date de septembre 1986. Déposé à la Chambre des communes le 17 décembre 1986. Document parlementaire n° 332-4/8, 1986-1988. Intitulé *Les phoques et la chasse au phoque au Canada. Rapport de la Commission royale (Ottawa, Approvisionnement et Services Canada, 1986), 3 vol., 1286 p.*

Le rapport contient de nombreuses références à des publications portant sur les phoques et la chasse aux phoques.

Publications :

- j) les préoccupations des personnes et des groupes ayant des intérêts directs, indirects ou déclarés dans la chasse au phoque au Canada, notamment une évaluation de ces intérêts;
- k) la sensibilisation et l'attitude du public, au Canada et à l'étranger, en ce qui concerne les politiques et les activités touchant la chasse au phoque au Canada et l'importance de ces manifestations sur le plan des contraintes imposées à la revitalisation future de la chasse commerciale du phoque ou des effets néfastes sur d'autres activités ou intérêts commerciaux, y compris les moyens recommandés pour éliminer ces contraintes;
- l) lorsqu'il y a lieu, les comparaisons, à l'échelle internationale, relativement aux éléments qui précèdent; et
- m) les nouvelles initiatives possibles, sur le plan international, concernant la gestion et l'exploitation des phoques du Canada et les activités connexes.

Commissaires :

À l'origine, les commissaires Albert H. Malouf, président, Wilfred Templeman et Robert Ian McAllister, pouvaient « recevoir l'aide d'autres commissaires qui pourraient être nommés ». En juillet 1984, Kenneth Radway Allen, John A. Gulland et Patrick A. Geisdoerfer furent nommés commissaires. Geisdoerfer, qui n'assista qu'à la séance inaugurale de la commission, en septembre 1984, démissionna en avril 1985. En août 1984, Russel Lawrence Barsb devint commissaire (voir décrets du conseil C.P. 2650, 25 juillet 1984; C.P. 3079, 31 août 1984 et C.P. 1258, 18 avril 1985).

Secrétaire :

Gilles Poirier.

Documents :

Mémoires, comptes rendus d'audiences, rapports techniques, coupures de presse, statistiques de chasse et de trappage, sondage d'opinion publique, dossiers administratifs, ébauche du rapport de la commission et documents connexes.

Voir l'instrument de recherche RG 33/138-141.

Autres documents :

Archives nationales du Canada, Commission royale sur les phoques et l'industrie de la chasse au phoque au Canada. Documents audiovisuels. Sept cassettes magnétoscopiques sur la chasse au phoque et les protestations qu'elle soulève; une cassette sonore portant un « poème à M. le juge Malouf » et une chanson sur le « Désastre du Groenland », n° d'acquisition 1986-0572.

Rapports :

Rapport provisoire. Daté du 31 décembre 1985. N'a pas été déposé à la Chambre des communes. Un document dactylographié intitulé « La Commission royale sur les phoques et l'industrie de la chasse au phoque au Canada. Rapport intermédiaire au Gouverneur général au Conseil », 16 pages et annexes, se trouve parmi les documents de cette commission (Acquisition 1986-87/152, boîte 19, dossier 7000-01).

Décret du conseil C.P. 2242, 22 juin 1984, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Pêches et Océans et du ministre du Commerce international. Révisé et modifié par les décrets du conseil C.P. 2905, 26 septembre 1985 et C.P. 3769, 20 décembre 1985.

Mandat :

Faire enquête et rapport sur tous les aspects de la gestion des stocks de phoques et de la chasse au phoque au Canada, en particulier sur la viabilité économique de l'industrie de la chasse au phoque, et plus particulièrement sur :

- a) les incidences socio-culturelles, de même que les avantages et les coûts, sur le plan économique, notamment les coûts de réglementation, de la chasse au phoque au Canada;
- b) les considérations d'ordre éthique concernant la chasse au phoque;
- c) l'état des stocks de phoques canadiens et les mesures mises en oeuvre au Canada afin de les conserver, de les gérer, de les protéger et d'en réglementer l'exploitation, y compris le caractère adéquat de ces mesures;

- d) les interactions des phoques avec les populations de poisson exploitées commercialement, en ce qui a trait à l'approvisionnement en nourriture et à la transmission de parasites;
- e) les interactions des populations de phoques avec les pêches commerciales, notamment la concurrence entre les phoques et les pêcheurs relativement aux stocks de poisson; l'interférence dans les activités de pêche et les dommages causés aux engins et aux prises, de même que les effets de la transmission de parasites sur la qualité des prises de poisson ainsi que les coûts connexes;

- f) les principes de gestion des stocks de phoques à des fins de conservation, notamment les niveaux appropriés d'abatage contrôlé, afin d'assurer le maintien de l'abondance et de la santé des phoques et de minimiser les interactions néfastes entre les phoques, les ressources et les opérations de pêche canadiennes;

- g) les méthodes de chasse commerciale du phoque et leur caractère approprié;

- h) les possibilités et les contraintes, sur les plans national et international, en ce qui a trait à la transformation et à la commercialisation des produits du phoque canadien;

- i) la présence d'autres sources de revenus et les possibilités d'ajustement pour les personnes et les collectivités qui dépendent actuellement de la chasse au phoque;

Titre :

Commission royale sur les phoques et l'industrie de la chasse au phoque au Canada, 1964-1986, 6,1 m (n° d'acquisition 1986-87/152, boîtes 1-20)

Historique :

Le 21 juin 1984, le ministre fédéral des Pêches et des Océans, Pierre DeBané, annonça l'établissement d'une commission royale chargée d'étudier tous les aspects de la chasse et de l'industrie du phoque au Canada. Cette décision suivait l'interdiction de deux ans que la Communauté économique européenne (CEE) venait de décréter sur l'importation de peaux de bébés phoques du Groenland et de bébés phoques à capuchon provenant du Canada. La CEE avait pour la première fois interdit ce commerce le 1^{er} octobre 1983, puis l'interdiction fut prolongée en septembre 1985 et elle est toujours en vigueur. Cette mesure était d'autant plus importante que la CEE représentait dix pays qui constituaient environ 80 p. 100 du marché canadien des peaux de phoques. La directive de la CEE répondait aux pressions des groupes de défense des animaux, ainsi que de mouvements internationaux tels que le Fonds international pour la défense des animaux et Greenpeace. Toutefois, ces pressions n'étaient étayées par aucune preuve scientifique quant à l'état des stocks de phoques dans les eaux canadiennes. Le marché des peaux de phoques et des produits dérivés du phoque, qui s'était déjà effondré environ un an avant les mesures de la CEE, n'avait pu remonter la pente. Comme le déclin affectait l'industrie dans son ensemble, il était tout aussi difficile de trouver des acheteurs pour les peaux de phoques adultes ou pour les espèces non touchées par l'interdiction. Malheureusement, la majorité des Autochtones de l'Est de l'Arctique et du Nord du Québec, ainsi que les pêcheurs du golfe du Saint-Laurent, de Terre-Neuve et d'ailleurs au Canada, ne pouvaient plus tirer de revenus de la chasse au phoque.

Il n'est donc pas surprenant que l'enquête ait été chargée de proposer d'autres sources de revenus pour les personnes et les collectivités qui dépendaient auparavant de la chasse au phoque. Selon DeBané, la commission royale allait établir la vérité face à l'opinion publique canadienne et internationale (Communiqué de presse, Pêches et Océans, 21 juin 1984; et *Les phoques et la chasse au phoque au Canada. Rapport de la Commission royale*. Vol. I [Ottawa, Approvisionnement et Services Canada, 1986]).

La commission tint ses audiences du 22 janvier au 18 juin 1985 à St. John's (Terre-Neuve), Montréal, Kangiqsujuaq dans le nord du Québec (connu aussi sous le nom de Wakeham Bay), Toronto, Vancouver, Pangnirtung dans les Territoires du Nord-Ouest, et Holman sur l'île de Victoria. Une autre audience eut lieu à Montréal le 26 septembre 1985. Du fait de l'intérêt international suscité par la question des phoques, la commission tint aussi des audiences à Londres et à Washington en avril 1985. Elle reçut 137 mémoires.

Comptes rendus d'audiences, documentation de base des mémoires, analyse de contenu des mémoires, correspondance, coupures de presse, dossiers de recherche et documents connexes. Les mémoires, les comptes rendus d'audiences et les analyses de contenu des mémoires peuvent également être consultés sur microfilm.

Voir l'instrument de recherche RG 33/137-138.

Archives nationales du Canada. Commission royale d'enquête sur l'union économique et les perspectives de développement. Documents audio-visuels. Enregistrements sonores d'audiences sur cassettes, environ 559 h, n° d'acquisition 1985-0459; enregistré magnétoscopiquement d'un atelier organisé par la commission, émissions de télévision sur la commission et documents connexes, environ 72 h, n° d'acquisition 1985-0458; cassettes et bandes sonores d'annonces publiques, de séminaires et de conférences de presse concernant la commission, environ 121 h, n° d'acquisition 1987-0330; et enregistré magnétoscopiquement d'une émission *Le Point de la* Société Radio-Canada consacrée au rapport de la commission, environ 30 mn, n° d'acquisition 1987-0336.

Rapports :

Premier rapport. Date d'avril 1984. N'a pas été déposé à la Chambre des communes. Intitulé *L'enjeu* (Ottawa, La Commission, 1984), 84 p.

Rapport d'étape. Date de 1984. N'a pas été déposé à la Chambre des communes. Intitulé *Le programme de recherche de la Commission sur l'avenir du Canada* (Ottawa, La Commission, 1984), 60 p.

Rapport final. Date d'août 1985. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport. Commission royale sur l'union économique et les perspectives de développement du Canada* (Ottawa, Approvisionnements et Services Canada, 1985), 3 vol., 2115 p.

Publications :

Soixante-douze volumes de recherches préparées pour la commission ont été publiés en 1985; la version anglaise par la University of Toronto Press et la version française par Approvisionnements et Services Canada. Ces recherches sont regroupées sous trois thèmes généraux : économie; questions politiques et institutions gouvernementales; questions juridiques et constitutionnelles.

Documents :

Secrétaire :

J. Gérard Godsoe.

Commissaires :

- b) les aménagements institutionnels et constitutionnels propres à promouvoir la liberté et le bien-être des citoyens canadiens en même temps que le maintien d'une économie forte et concurrentielle, y compris les aspects suivants :
- les moyens d'améliorer les relations entre les gouvernements, les milieux d'affaires, les syndicats et les autres groupes qui composent la société canadienne;
 - la répartition opportune des pouvoirs, instruments et moyens fiscaux et économiques entre les différents niveaux de gouvernements et d'administrations;
 - les changements à apporter aux institutions du gouvernement central de façon à mieux tenir compte des opinions et des besoins de tous les Canadiens et de toutes les régions et à favoriser l'expansion de l'union économique canadienne.
- De plus, les commissaires doivent avoir à l'esprit les principes suivants :
- a) l'économie canadienne repose sur l'initiative et la productivité de chaque Canadien, dans un contexte où se complètent les activités des secteurs public et privé, et qui reflètent les valeurs traditionnelles de notre société;
- b) la politique économique doit être examinée du point de vue de ses rapports avec l'indépendance politique et économique du Canada et avec les aspirations plus générales de ses habitants, celles-ci devant être reflétées dans les responsabilités des gouvernements;
- c) la gestion de l'économie du pays, la croissance économique équilibrée de ses différentes régions et la réduction des disparités fiscales entre les provinces sont essentiellement des responsabilités fédérales; les provinces ont pour leur part des charges importantes en ce qui a trait à l'élaboration et à la mise en oeuvre de la politique économique et sociale;
- d) le rapport devra tenir compte de l'esprit de la Constitution canadienne, s'y conformer et s'appuyer sur l'hypothèse que la structure fédérale canadienne ne s'écartera pas sensiblement de ce qu'elle est à l'heure actuelle.

Donald Stovel Macdonald, président, Clarence Lyle Barber, Albert A. Breton, Mary Angela Cantwell-Peters, E. Gérard Docquier, William M. Hamilton, John R. Messer, Laurent A. Picard, Michel Robert, Daryl Kenneth Seaman, Thomas K. Shomaya, Jean Casselman-Wadds et Catherine T. Wallace.

La commission a tenu deux séries d'audiences publiques. De plus, elle a participé à un certain nombre de réunions privées, de séminaires, de rencontres municipales, de tribunes, etc., avec divers groupes des secteurs public et privé. La première série d'audiences s'est déroulée du 6 septembre au 16 décembre 1983 dans 27 villes du Canada, ainsi que dans cinq collectivités de l'Arctique. La seconde série eut lieu du 30 mai au 28 juin 1984 à Halifax, Montréal, Toronto, Calgary et Vancouver. La commission a reçu 1 516 mémoires.

Texte réglementaire :

Décret du conseil C.P. 3438, daté du 5 novembre 1982, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. Les autres nominations de commissaires ont été sanctionnées par les décrets du conseil C.P. 3582, daté du 25 novembre 1982, et C.P. 158, daté du 25 janvier 1983.

Mandat :

Faire enquête et rapport sur les possibilités, perspectives et défis économiques à long terme qui se dessinent pour la fédération canadienne et ses diverses régions, et sur l'incidence de ces perspectives et défis sur les institutions économiques et gouvernementales et sur la gestion des affaires économiques du Canada.

L'étude doit s'attarder plus particulièrement sur :

a) les objectifs nationaux à poursuivre et les politiques de développement économique à adopter, y compris les aspects suivants :

- les tendances des besoins et de la situation du marché du travail;
- les faits nouveaux touchant l'offre de matières premières, sources d'énergie comprises;
- les besoins de capitaux et la structure des coûts dans un monde caractérisé par une vive concurrence, une technologie avancée et une forte interdépendance;
- les tendances qui se manifestent aux chapitres de la productivité, des niveaux de vie et du progrès social;
- l'adaptation et la croissance du secteur industriel;
- les possibilités et les contraintes du développement économique régional dans un cadre économique national;

- l'intégrité de l'union économique canadienne, du double point de vue de l'unité du Canada et de la possibilité pour tous les Canadiens, d'avoir part à la prospérité économique au fur et à mesure de son accroissement;

Commission royale d'enquête sur l'union économique canadienne et les perspectives de développement, 1983-1986, 20,4 m (vol. 1-100; bobines de microfilm T-83396 à T-8419)

Historique :

Au début des années 1970, la hausse du prix du pétrole qui déstabilisa l'économie mondiale provoqua une remise en question des politiques économiques. Le premier ministre Trudeau pensa établir une commission royale sur l'avenir économique du Canada. En 1978, Alan Nymark, économiste gouvernemental, proposa un projet de mandat pour la future commission. Nymark continua à préparer la mise sur pied d'une enquête publique sur les perspectives économiques et favorisait son établissement qui eut lieu en novembre 1982.

Du fait de la récession, l'économie fut au centre des préoccupations de la commission, mais celle-ci dut aussi se pencher sur d'autres questions importantes pour le pays. Selon les commissaires, la Commission royale d'enquête sur l'union économique canadienne et les perspectives de développement a été mise sur pied à l'automne 1982, à l'issue d'une des périodes les plus agitées de l'histoire canadienne. Du point de vue économique, le Canada sortait tout juste de la pire récession depuis les années 1930. Pendant une bonne partie de la décennie précédente, le pays avait connu des niveaux d'inflation sans précédent. En outre, les commissaires affirmaient que le pays avait mené des débats de politique intérieure intenses, souvent décisifs, sur des questions extrêmement compliquées et même délicates telles que les politiques énergétiques, la nouvelle Constitution et, plus particulièrement, la question de savoir si le Québec demeurerait dans le Canada.

Pour pouvoir planifier l'avenir du Canada, le premier ministre voulait que la commission examine le potentiel économique du pays à long terme. Selon le premier ministre Trudeau, il était nécessaire d'anticiper davantage pour voir dans quelles directions le pays et ses institutions pourraient évoluer afin de tirer le maximum des futures possibilités de développement. La prospérité serait impossible sans l'apaisement des controverses fédérales-provinciales et sans l'atteinte d'un consensus. Mais, pour ce faire, il conviendrait de s'assurer que les politiques nationales peuvent profiter à toutes les régions du Canada et que les institutions nationales reflètent véritablement les besoins régionaux. Il est important de noter que la Commission Macdonald proposa un accord de libre-échange entre le Canada et les États-Unis. En fait, le gouvernement canadien entama les négociations commerciales avec les Américains peu après la fin des travaux de la commission et, en janvier 1988, un accord de libre-échange fut signé entre les deux pays. (Robert Furlford, « Mission impossible », *Saturday Night*, mars 1985, p. 34-41; *Rapport de la Commission royale sur l'union économique et les perspectives de développement du Canada*, vol. 1, p. xi-xiii et Cabinet du premier ministre, communiqué de presse, 5 novembre 1982).

Archives provinciales de Terre-Neuve et du Labrador, Collection des documents gouvernementaux, Commission royale d'enquête sur le désastre marin de l'*Ocean Ranger*, comptes rendus d'audiences, pièces à conviction, entrevues et rapports d'autopsie. Bandes sonores, plans et photographies. GN 82/1, instrument de recherche n° 240, 11,6 m, 21 h, 122 plans, 117 photos.

Rapports :

La Commission royale d'enquête sur le désastre marin de l'*Ocean Ranger* a publié deux rapports imprimés dans les quatre volumes suivants :

Volume 1. Daté d'août 1984. N'a pas été déposé à la Chambre des communes. Intitulé *Premier rapport : La perte de l'installation de forage semi-submersible Ocean Ranger et de son équipage* (Ottawa, Approvisionnement et Services Canada, 1984), x, 420 p.

Volume 2. Daté de juin 1985. N'a pas été déposé à la Chambre des communes. Intitulé *Deuxième rapport : La sécurité au large de la côte est du Canada* (Ottawa, Approvisionnement et Services Canada, 1985), ix, 339 p.

Volume 3. Non daté. N'a pas été déposé à la Chambre des communes. Intitulé *Deuxième rapport : La sécurité au large de la côte est du Canada. Etudes et séminaires* (Ottawa, Approvisionnement et Services Canada, 1985), i, 209 p.

Volume 4. Non daté. N'a pas été déposé à la Chambre des communes. Intitulé *Deuxième rapport : la sécurité au large de la côte est du Canada. Actes de la conférence, 1984* (Ottawa, Approvisionnement et Services Canada, 1985), i, 212 p.

Publications :

United States. National Transportation Safety Board. *Marine Accident Report : Capsizing and Sinking of the U.S. Mobile Offshore Drilling Unit Ocean Ranger off the East Coast of Canada, 166 Nautical Miles East of St. John's, Newfoundland, February 15, 1982*, Washington, 1983.

United States. Department of Transportation, United States Coast Guard, *Marine Casualty Report : Mobile Offshore Drilling Unit (MODU) Ocean Ranger, O.N. 615641, Capsizing and Sinking in the Atlantic Ocean, on 15 February 1982. With Multiple Loss of Life*. U.S. Coast Guard, Marine Board of Investigation Report and Commandant's Action, Report N° USCG 16732/0001-HQS-82, Washington, 1983.

Sommaire des mesures prises par le Gouvernement du Canada au sujet des recommandations de la Commission royale d'enquête sur le désastre marin de l'Ocean Ranger (Ottawa, Mines et Ressources Canada, 1985).

Réponse du gouvernement du Canada aux recommandations de la Commission royale d'enquête sur le désastre marin de l'Ocean Ranger (Ottawa, Energie, Mines et Ressources Canada, 1986).

h) les actions ou les omissions du propriétaire, de l'affrèteur, de l'exploitant ou de tout entrepreneur à ce sujet; et

i) toute autre question connexe;

2) Faire enquête et rapport sur

a) les pratiques et procédures de navigation et de forage utilisées dans le cadre des opérations de forage sur la plate-forme continentale au large de Terre-Neuve et du Labrador, et sur les questions rapportées en 1.a) à 1.e) dans la mesure où elles concernent les autres installations de forage engagées dans des opérations sur la plate-forme continentale au large de Terre-Neuve et du Labrador; et

b) dans la mesure où cela s'avérerait nécessaire et pertinent, sur les pratiques et les procédures mises en oeuvre dans d'autres opérations de forage au large des côtes orientales du Canada.

Commissaires :

T. Alexander Hickman, président, Gordon A. Winter, Fintan J. Aylward, Jan Furst, Moses O. Morgan et N. Bruce Pardy.

Secrétaire :

David M. Grenville.

Documents :

Comptes rendus d'audiences, entrevues préliminaires aux audiences, rapports d'autopsie, pièces à conviction, mémoires, travaux de recherche, dossiers de recherche, procès-verbaux de réunions, conférences et séminaires; dossiers de l'avocat-conseil de la commission, du secrétaire et du président.

Voir l'instrument de recherche 33/136-136, parties 1-3.

Autres documents :

Archives nationales du Canada, Commission royale d'enquête sur le désastre marin de l'*Ocean Ranger*. Documents audio-visuels. Cassettes magnétoscopiques, exposés du Conseil national de recherches et de l'*Ocean Drilling and Exploration Company* utilisés comme pièces à conviction dans l'enquête, ainsi que l'émission de télévision de C.B.C., « The Fifth Estate », relative aux travaux de la commission, 1982-1984, environ 209 h 38 mn, n° d'acquisition 1986-0176; films de tests effectués par le Conseil national de recherches sur le désastre marin de l'*Ocean Ranger*, 1983, environ 2 h 12 mn, n° d'acquisition 1986-0177; bandes sonores de séminaires, d'ateliers, d'audiences et de communications radio relatifs au travail de la commission, 1982-1984, environ 537 h, n° d'acquisition 1986-0178.

Archives nationales du Canada, Commission royale d'enquête sur le désastre marin de l'*Ocean Ranger*. Documents cartographiques et architecturaux. RG 33, M136, n° d'acquisition 86703/40, cartes météorologiques du Newfoundland Weather Office et de l'Atlantique Weather Centre, 11-17 février 1982.

la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

À l'origine, le gouvernement du Canada et le gouvernement de Terre-Neuve avaient mis sur pied des commissions royales distinctes pour enquêter sur le naufrage de l'*Ocean Ranger*. Par la suite, ces enquêtes publiques ont été révoquées et une seule commission d'enquête fédérale-provinciale a été mise sur pied en vertu de la *Loi sur les enquêtes publiques de Terre-Neuve*, le 16 mars 1982, et en vertu de la *Loi fédérale sur les enquêtes* (S.R.C., 1970, ch. I-13), ainsi qu'il a été mentionné plus haut.

Mandat :

1) Enquêter et faire rapport sur le naufrage de la plate-forme de forage semi-sousmersible et auto-propulsée « *Ocean Ranger* » et la perte de tout son équipage, le 15 février 1982 ou environ, sur le plateau continental du Canada, les raisons et les causes dudit naufrage et, en particulier sur :

a) la conception, la construction et la stabilité de l'« *Ocean Ranger* » et sur sa capacité à mener des opérations de navigation et de forage sur le plateau continental du Canada;

b) l'inspection, les procédures d'inspection, la délivrance du permis et du certificat de navigabilité de l'« *Ocean Ranger* » l'autorisant à mener des opérations de navigation et de forage sur le plateau continental du Canada;

c) tous les aspects de la sécurité de la vie en mer, y compris la qualité et la quantité d'équipement de sauvetage à bord de l'« *Ocean Ranger* » et si un tel équipement de sauvetage a été utilisé ou aurait pu l'être;

d) tous les aspects de la santé et de la sécurité au travail touchant les officiers et l'équipage;

e) l'accréditation, la formation et la sécurité des officiers et des membres de l'équipage, et de leurs responsabilités respectives, y compris celles du capitaine et du surintendant responsable du forage à bord de l'« *Ocean Ranger* »;

f) les mesures de recherche et de sauvetage prises depuis Terre-Neuve et ailleurs;

g) les procédures relatives à la prévention de la pollution par le pétrole et de l'état du trou de forage avant ou au moment de l'accident;

Vers la même époque, le gouvernement de Terre-Neuve nomma une commission royale chargée de faire enquête sur le naufrage de la plate-forme. À la suite des pressions du public, les deux gouvernements s'accordèrent pour combiner les deux enquêtes en établissant une commission royale fédérale-provinciale. Elle était chargée d'enquêter sur la disparition de l'*Ocean Ranger* et de son équipage, et de recommander des mesures visant à améliorer la sécurité et les méthodes de forage au large de la côte est du Canada.

L'*Ocean Ranger* étant enregistrée aux États-Unis et appartenant à une compagnie américaine, l'*Ocean Drilling and Exploration Company* (ODECO) de la Nouvelle-Orléans, une commission d'enquête fut également établie aux États-Unis. La garde côtière américaine et le National Transportation Safety Board prirent part à l'enquête. Ils publièrent des rapports séparés qui furent utilisés par la Commission royale d'enquête sur le désastre marin de l'*Ocean Ranger*. À l'issue de cette dernière enquête, les commissaires conclurent que les causes du naufrage de la plate-forme de forage étaient dues à des déficiences dans la conception de la plate-forme et à des erreurs humaines. Selon le commissaire, tous les incidents et tous les actes qui ont amené le naufrage de l'*Ocean Ranger* ont résulté soit de déficiences de conception soit de gestes posés par l'équipage lui-même. La catastrophe aurait pu être évitée par des modifications mineures à la structure de la plate-forme et à son système et par une intervention compétente et éclairée de ceux qui s'y trouvaient. À cause de son manque de formation et de l'absence de manuels et d'information technique, l'équipage n'a pas su interrompre l'enchaînement fatal d'incidents qui a mené l'*Ocean Ranger* à sa perte.

Des mesures presque immédiates furent prises pour améliorer la formation professionnelle et la sécurité dans le cadre des opérations de forage au large. En fait, à l'époque où le premier rapport de la commission a été publié, certaines de ses recommandations avaient déjà été mises en œuvre. (*Premier rapport : La perte de l'installation de forage semi-submersible Ocean Ranger et de son équipage* [Ottawa, Approvisionnements et Services Canada, 1984]).

La commission tint ses audiences à St. John's (Terre-Neuve) du 25 octobre 1982 au 22 mars 1984, ainsi que le 5 novembre 1984. Elle reçut 40 mémoires et 321 pièces à conviction.

Au cours de l'enquête, la commission a tenu des réunions avec des représentants de l'industrie, des hauts fonctionnaires du gouvernement, des universitaires, des experts-conseils, des employés d'installations de forage en mer, des institutions de formation professionnelle et des organismes d'intervention d'urgence au Canada, en Europe et aux États-Unis.

Texte réglementaire :

Décret du conseil C.P. 577, 18 février 1982, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. L'enquête prit fin en vertu du décret du conseil C.P. 818, 17 mars 1982. Une nouvelle enquête fut instituée par le décret du conseil C.P. 819, 17 mars 1982, en vertu de

Dans la soirée du 14 février 1982, l'*Ocean Ranger*, une des plus grandes stations de forage semi-submersibles au monde, affrétée par Mobil Oil Canada Ltd., procédait à l'exploration du plateau Hibernia à environ 170 milles marins à l'est de St. John's (Terre-Neuve). Au cours d'une violente tempête hivernale, le verre d'un des hublots de bord de la plate-forme de forage fut brisé par une énorme vague. L'eau de mer s'engouffra dans la salle de contrôle des ballasts vers 19 h 45 ou 20 h, provoquant une panne de courant dans le tableau de contrôle. Occupé à retirer l'eau et le verre de la pièce, l'équipage ne s'est manifestement pas rendu compte de la gravité des effets de l'eau salée sur le fonctionnement du système de contrôle. Vers minuit et demi, le 15 février, quand l'électricité fut rétablie dans la console de contrôle, la plate-forme donna soudainement de la bande, phénomène que les commissaires chargés de faire enquête expliquent par le rétablissement de l'électricité qui a permis à des courts-circuits erratiques dans les micro-contacts d'ouvrir les soupapes correspondantes actionnées à distance. Sachant que la plate-forme avait soudainement donné de la bande à bâbord, les commissaires ont conclu que cette inclinaison avait été causée par l'entrée d'eau de mer dans le ponton de gauche.

À une heure du matin, l'*Ocean Ranger* appela à l'aide, l'équipage étant dans l'impossibilité de ramener la plate-forme à sa position horizontale. Presque immédiatement le *Seaforth Highlander*, navire de ravitaillement qui croisait à quelque huit milles de là, mit le cap sur la plate-forme. Simultanément, la situation sur l'*Ocean Ranger* se dégradait rapidement. La gîte s'intensifiait et à 1 h 09, un signal de détresse fut envoyé. À 1 h 30, l'opérateur radio de l'*Ocean Ranger* informa la station Mobil de St. John's que l'évacuation de la plate-forme avait commencé. Ce fut la dernière communication radio avec l'*Ocean Ranger*. Le navire de ravitaillement *Norderator* garda le contact radar avec la plate-forme jusqu'à 3 h. Puis, vers 3 h 15, l'*Ocean Ranger* chavira et sombra dans l'océan Atlantique. Les 84 membres d'équipage y perdirent la vie. On sait que l'équipage avait évacué la section de forage, mais on ne sait pas exactement comment cette évacuation avait eu lieu. D'après les 22 corps retrouvés, on a pu déterminer que tous s'étaient noyés dans un état d'hypothermie.

Le naufrage de l'*Ocean Ranger* et de son équipage fit l'objet d'une enquête de la Direction des enquêtes sur les accidents maritimes de Transports Canada. Alex Hickman fut nommé commissaire en vertu de la *Loi sur la marine marchande du Canada* pour faire enquête sur l'accident. Compte tenu de la gravité de la tragédie et des implications pour les futures opérations de forage au large, le gouvernement du Canada établit également une commission royale sous la direction de Hickman.

entre le marché et le milieu socio-économique de ces pays et ceux du Canada.

En outre, le Commissaire devra formuler des recommandations visant l'établissement d'une politique générale pour l'industrie pharmaceutique canadienne, y compris, s'il le juge à propos, des propositions visant la protection des brevets, les changements fiscaux et tarifaires, les stimulants économiques, la disponibilité du capital, la modification des régimes de prestation de soins de santé et des méthodes d'approbation des médicaments, ainsi que les autres politiques et programmes des gouvernements provinciaux et fédéral.

Harry C. Eastman.

Wendy A. Kennedy.

Comptes rendus d'audiences, mémoires, travaux de recherche, dossiers administratifs, correspondance et documents connexes.

Voir l'instrument de recherche 33/135-135.

Autres documents :

Archives nationales du Canada, Commission d'enquête sur l'industrie pharmaceutique, 1983. Documents audio-visuels. Cassettes sonores, allocutions par R.J. Santen, A. Lipston, M.E. Lippman et J. Ragaz lors d'un symposium sur le cancer du sein, Toronto, octobre 1983, environ 2 h, n° d'acquisition 1985-0351; et cassette magnétoscopique, conférence de Eli Lilly Canada Inc., sur le cancer du sein, environ 20 mn, n° d'acquisition 1985-0350.

Rapport :

Date du 28 février 1985. Déposé à la Chambre des communes le 22 mai 1985. Document parlementaire n° 331-4/20, 1984-1986. Intitulé *Rapport de la Commission d'enquête sur l'industrie pharmaceutique*, Commissaire Harry C. Eastman et al. (Ottawa, Approvisionnement et Services Canada, 1985), xxxvi, 504 p.

Publications :

Deux études de référence préparées pour la commission ont été publiées. Voir *Publications du gouvernement canadien*, vol. 34, juillet-septembre 1986, p. 299.

Le rapport de la commission comprend une bibliographie.

en la faisant passer à 20 ans. Le texte législatif utilisé à cette fin était même applicable rétroactivement, soit à décembre 1991.

La commission tint ses audiences à Ottawa du 17 octobre au 2 novembre 1984. Elle reçut 146 mémoires.

Texte réglementaire :

Décret du conseil, C.P. 1298, daté du 17 avril 1984, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. La date de remise du rapport au gouverneur en conseil a été modifiée par le décret C.P. 4094, 20 décembre 1984.

Mandat :

Faire enquête et rapport sur la situation actuelle de l'industrie pharmaceutique au Canada, sur les possibilités d'une expansion importante de cette industrie et sur les politiques nécessaires à son développement, et recommander, en accord avec ces politiques, une série de propositions autour desquelles pourrait s'établir un consensus sur la question de l'octroi des licences.

Le commissaire portera une attention particulière à a) l'analyse des entreprises oeuvrant dans le secteur pharmaceutique au Canada, qui comprendra la collecte de données économiques et financières au sujet de l'industrie et la détermination des différences de fonctionnement et de schéma de croissance entre les fabricants de produits génériques et les entreprises titulaires de brevets, y compris celles du secteur biotechnique; b) la définition des perspectives de croissance de l'industrie pharmaceutique au Canada, dans les domaines suivants :

- i) croissance et composition des dépenses en recherche et développement, et plans permettant d'établir un lien entre ces dépenses et les établissements canadiens de recherche et les programmes des écoles de médecine;
- ii) croissance dans la fabrication d'éléments actifs en vrac;
- iii) détermination des facteurs régionaux influant sur cette croissance;
- iv) exportations;
- v) croissance et composition de l'emploi dans le domaine pharmaceutique;
- vi) applications dans le domaine de l'agriculture, et
- vii) investissements dans le secteur pharmaceutique biotechnique; et

c) l'étude des programmes en vigueur dans d'autres pays, y compris l'examen du fonctionnement et des effets, dans ces pays, des stimulants, des règlements et des barrières commerciales, qui facilitera la détermination des différences ou des points communs

En 1969, une modification à la *Loi sur les brevets* (S.R.C., ch. P-4, art. 41) introduisit un système de licence obligatoire (l'octroi d'une licence permet à une personne physique ou morale qui ne détient pas le brevet d'utiliser la découverte du détenteur de brevet avant l'expiration complète de celui-ci, soit avant les 17 ans réglementaires) pour la fabrication, l'importation, l'utilisation ou la vente d'inventions brevetées pouvant servir dans la préparation de médicaments. Des compagnies de produits génériques purent ainsi fabriquer des versions bon marché de médicaments de marque moyennant le versement de redevances de 4 p. 100 au détenteur du brevet.

D'un côté, les compagnies pharmaceutiques multinationales, principales détentrices des brevets pharmaceutiques, s'opposaient à la licence et militaient contre elle. Elles avançaient que cette loi réduisait injustement leurs profits et décourageaient la recherche. Elles soulaient aussi que les compagnies pharmaceutiques productrices de médicaments génériques tiraient des bénéfices de la mise en marché de leurs propres versions de médicaments de marque dont la mise au point avait coûté temps et argent à la multinationale. De plus, les gouvernements provinciaux, obligés de rembourser les médicaments dans le cadre de différents programmes de santé, réduisaient leurs coûts en permettant aux pharmaciens de donner des médicaments génériques meilleur marché à la place des médicaments de marques plus coûteux. Les multinationales demandaient donc au gouvernement de restreindre la vente des médicaments génériques en abrogeant les dispositions en cause dans la *Loi sur les brevets*.

De l'autre côté, les groupes de consommateurs et les fabricants de produits génériques ne souhaitaient aucune modification à la *Loi sur les brevets* susceptible de nuire à la production de médicaments génériques bon marché. Ils craignaient que de tels changements amènent une augmentation des coûts des médicaments d'ordonnance et la diminution des parts du marché pharmaceutique revenant aux compagnies génériques.

Confronté à la controverse grandissante que suscitaient d'éventuelles restrictions à la fabrication et à la vente de produits génériques, le gouvernement du Canada établit la Commission d'enquête sur l'industrie pharmaceutique (Rapport de la Commission d'enquête sur l'industrie pharmaceutique, [Ottawa, Approvisionnements et Services Canada, 1985], xxxiii-xxxvi; *Encyclopédie du Canada*, Seconde Édition, vol. III, p. 1655-1656; et le *Citizen d'Ottawa*, 19 avril 1984).

En 1987, le gouvernement du Canada établit le Conseil d'examen du prix des médicaments brevetés chargé de contenir tout excès de prix des médicaments brevetés. La protection des brevets des produits de marque passa de sept à dix ans. En 1993, le gouvernement du Canada allongea encore la durée des brevets des produits de marque

Texte réglementaire :

Décret du conseil C.P. 1844, 31 mai 1984, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1970, ch. 1-13) et sur la recommandation du ministre de l'Agriculture.

Mandat :

Faire enquête et rapport sur l'efficacité et l'efficience de la structure actuelle de commercialisation de la pomme de terre, dans les marchés intra et interprovinciaux et les marchés d'exportation, dans les provinces d'Ontario, de Québec, du Nouveau-Brunswick, de l'Île-du-Prince-Édouard et de la Nouvelle-Écosse. Le Commissaire étudiera plus particulièrement :

- 1) Les bases de production des pommes de terre dans chaque province;
- 2) Les structures commerciales, c'est-à-dire a) les offices et organismes provinciaux de commercialisation; b) les autres organismes de commercialisation; c) les programmes et actions du gouvernement à l'appui de la mise en marché; d) les autres programmes d'aide, tels que l'aide au transport; e) les possibilités du marché interprovincial et d'exportation et f) la nature de la concurrence, y compris celle des autres pays producteurs;
- 3) L'efficacité et l'efficience a) des mouvements de pommes de terre sur les différents marchés, et des activités commerciales afférentes; b) des politiques et pratiques de formation des prix dans les divers marchés; c) des organismes actuels de commercialisation pour ce qui est de : i) protéger les intérêts des producteurs et des consommateurs; ii) dispenser l'information, conseils et aide aux producteurs; iii) prévoir la participation des producteurs dans l'élaboration des politiques et des programmes, et de iv) promouvoir la compétitivité du Canada sur les marchés d'exportation.

Commissaire :

Francis G. Carter.

Secrétaire :

Mary Ann Allen.

Documents :

Mémoires, correspondance (y compris des lettres de ministres provinciaux de l'Agriculture), arrangements relatifs aux audiences, procès-verbaux de réunions et documents connexes.

Voir l'instrument de recherche 33/134-134.

Rapport :

Aucun rapport n'a été déposé. L'enquête a pris fin conformément au décret du conseil C.P. 3667, 15 novembre 1984.

Commission d'enquête sur les pratiques de commercialisation de la pomme de terre dans l'Est du Canada, 1984, 0,2 m (vol.1)

Les pommes de terre constituent l'une des principales productions légumières au Canada. Bien qu'on en cultive un peu partout au pays, 78 p. 100 de la production totale sont cultivées dans les cinq provinces de l'Est. Dans l'Île-du-Prince-Édouard et le Nouveau-Brunswick, les pommes de terre représentent quelque 75 p. 100 des revenus tirés de récoltes. Ces deux provinces sont les deux plus importantes productrices de pommes de terre au pays, suivies par l'Ontario, le Québec et la Nouvelle-Écosse. À la fin des années 1970, la production augmenta notablement sous l'effet de bonnes conditions atmosphériques et de plus vastes superficies de culture.

Pendant un certain temps, les producteurs de pommes de terre avaient connu de sérieux problèmes de mise en marché de leur récolte. Le discours du Trône du 7 décembre 1983 avait promis une enquête sur la commercialisation de ce produit. Antérieurement, plusieurs études avaient eu lieu pour évaluer le bien-fondé d'établir une commission de commercialisation de la pomme de terre. Par exemple, un groupe de travail sur la commercialisation, mis sur pied en décembre 1979, recommanda, en mars 1980, qu'on établisse un organisme de mise en marché de la pomme de terre de l'est du Canada en vertu de la *Loi sur les offices de commercialisation des produits de ferme* (19-20-21 Eliz. II, ch. 65, 1972). En juillet, le Conseil des producteurs de pommes de terre de l'est du Canada recommanda également au Conseil national de commercialisation des produits agricoles la création d'un organisme de commercialisation, à habilité à fixer des quotas provinciaux de commercialisation, à déterminer les prix minimums et à contrôler la commercialisation intérieure et internationale des pommes de terre de consommation, des pommes de terre de semence et des pommes de terre destinées à la transformation. En septembre 1980, le Conseil national de commercialisation des produits agricoles tint des audiences relatives à cette proposition. Il apparut que la structure de commercialisation alors en place ne protégeait pas adéquatement les intérêts des producteurs, que ceux-ci ne bénéficiaient pas de possibilités égales d'accès aux marchés et que les associations de producteurs étaient impuissantes devant les problèmes de commercialisation.

On s'attendait que seulement six mois après la mise sur pied, en 1984, de l'enquête publique sur la commercialisation de la pomme de terre, on ait mis fin à ses travaux. La raison n'en est pas très claire, mais, dans une lettre au commissaire, le juge Carter, datée du 27 novembre 1984, le ministre fédéral de l'Agriculture, John Wise, met cette fin hâtive sur le compte de l'urgente nécessité de réduire le niveau inacceptable du déficit budgétaire (RG 33/84, vol. 1 et Décret du conseil C.P. 3667, 15 novembre 1984).

documents connexes.

Voir l'instrument de recherche 33/133-133.

Rapport :

Date d'octobre 1984. Déposé à la Chambre des communes le 20 novembre 1984. Document parlementaire n° 331-4/147, 1984-1986. Intitulé *Rapport de la Commission sur l'égalité en matière d'emploi*. Juge Rosalie Silberman Abella, commissaire, octobre 1984 (Ottawa, Approvisionnements et Services Canada, 1984), viii, 426 p.

Publications :

Research Studies of the Commission on Equality in Employment, Juge Rosalie Silberman Abella, Commissaire, Avril 1985 [Ottawa, Approvisionnements et Services Canada, 1985], xi, 683 p.

Le rapport de la commission comprend une bibliographie complète.

Montréal, Ottawa, Toronto, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver, Yellowknife et Whitehorse. La commission reçut 274 mémoires, ainsi que plusieurs lettres et documents. Outre les audiences, eurent lieu de nombreuses consultations et réunions.

Décret du conseil C.P. 1924, 24 juin 1983, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre de l'Emploi et de l'immigration. La date du rapport du commissaire au gouverneur en conseil fut modifiée par les décrets du conseil C.P. 4048, 22 décembre 1983; C.P. 1390, 18 avril 1984 et C.P. 2882, 23 août 1984.

Mandat :

Faire enquête et rapport sur les moyens les plus efficaces et équitables de promouvoir les chances d'emploi, d'éliminer la discrimination systémique et d'assurer à tous les mêmes possibilités de prétendre à un emploi, en a) examinant les méthodes d'emploi en usage à la Société Pétro-Canada, à Air Canada, aux Chemins de fer nationaux du Canada, à la Société canadienne d'hypothèques et de logement, à la Société canadienne des postes, à la Société Radio-Canada, à l'Énergie atomique du Canada Limitée, à la Société pour l'expansion des exportations, à Téléglobe Canada, à la de Havilland Aviation du Canada Limitée et à la Banque fédérale de développement; et b) enquêtant sur les moyens de remédier aux lacunes de certaines méthodes d'emploi, y compris un programme volontaire intensifié, comportant éventuellement l'obligation de présenter des rapports, et un programme obligatoire d'action positive.

Dans l'exécution de ses tâches, le commissaire portera une attention particulière i) aux effets et aux conséquences possibles des diverses solutions qui s'offrent au gouvernement, y compris les avantages socio-économiques et les dépenses liées à la mise en oeuvre de chaque solution; ii) aux vues sur ces solutions des dirigeants des sociétés mentionnées en a); iii) aux vues sur ces solutions des employés et des associations représentant les employés de ces sociétés; iv) aux vues sur ces solutions des associations représentant les femmes, les Autochtones, les personnes handicapées et les minorités visibles; v) aux vues de tout autre groupe ou personne intéressé, y compris les dirigeants, les employés et les associations d'employés d'autres sociétés de la Couronne fédérale.

Commissaire :

Rosalie Silberman Abella.

Secrétaire :

Bernadette Sulgit.

Documents :

Mémoires, réponses à des questionnaires et correspondance de sociétés d'État, correspondance avec des ministres provinciaux, des syndicats, des Autochtones, des minorités visibles et des gens d'affaires, correspondance relative aux contrats passés avec la commission, correspondance du commissaire et du directeur général de la commission, études de recherche, circulaires, réponse du gouvernement aux recommandations du commissaire Abella et

Le 27 juin 1983, le ministre de l'Emploi et de l'Immigration, Lloyd Axworthy, annonça l'établissement, sous la présidence du juge Rosalie Abella, d'une commission fédérale d'enquête sur l'égalité en milieu de travail. Un communiqué de presse du cabinet du ministre soulignait que des études récentes et des projections démographiques indiquaient que, dans les années 1980, les femmes et d'autres groupes cibles constitueraient la majorité des nouveaux venus sur le marché du travail canadien. Par conséquent, la commission était chargée d'enquêter sur les moyens les plus efficaces et équitables de promouvoir les chances d'emploi, d'éliminer la discrimination systématique et d'assurer à tous les mêmes possibilités de prétendre à un emploi, pour quatre groupes désignés, à savoir les femmes, les Autochtones, les handicapés et les minorités visibles. Le gouvernement s'engageait à embaucher, à former et à assurer la promotion de ces groupes qui, jusqu'alors, n'avaient pas eu leur juste part sur le marché du travail.

Conformément à son mandat, la commission concentra son attention sur les méthodes d'emploi de 11 sociétés d'État, dont Pétro-Canada, Air Canada, le Canadien National, la Société canadienne d'hypothèques et de logement, la Société canadienne des postes, la Société Radio-Canada, l'Énergie atomique du Canada Limitée, la Société pour l'expansion des exportations, Téléglobe Canada, la de Havilland Aviation du Canada Limitée et la Banque fédérale de développement.

Au moment de l'instauration de la commission, le gouvernement annonça que son programme d'action positive allait être étendu à tous les secteurs de la Fonction publique fédérale. La décision de rendre le programme d'action positive obligatoire faisait suite à un projet pilote auquel participèrent cinq ministères. Selon ce programme, les employeurs devaient fixer des objectifs et des calendriers d'embauche, de formation professionnelle et de promotion de membres compétents des groupes désavantagés. Michael Walker de l'Institut Fraser notait que la Commission Abella prenait l'allure d'une dernière formalité avant l'imposition du programme obligatoire d'action positive dans le secteur public fédéral et auprès de ceux qui traitaient avec ses commissions et ses sociétés d'État. Plus encore, Axworthy déclarait que les propositions de la commission pouvaient constituer un modèle qui pourrait être introduit dans le secteur privé. (Communiqué de presse, ministre de l'Emploi et de l'Immigration, 27 juin 1983; Michael Walker, « The Abella Commission », *Fraser Forum*, novembre 1983, p. 2-4; *Rapport de la Commission sur l'égalité en matière d'emploi* [Ottawa, Approvisionnement et Services Canada, 1985], p. v-viii et Décret du conseil C.P. 1924, 24 juin 1983). La commission tint ses audiences du 9 août 1983 au 6 mars 1984 à St. John's (Terre-Neuve), Charlottetown, Halifax, Fredericton, Québec.

Commissaire :

Peter H. Pearse.

Secrétaire :

E. Richard Danby.

Documents :

Correspondance entre la commission et divers participants, comptes rendus d'audiences, mémoires, pièces à conviction, coupures de presse et documents connexes.

Voir l'instrument de recherche 33/132-132.

Note : Les archives de cette commission sont conservées au Centre de documents fédéraux des Archives nationales du Canada à Vancouver.

Rapports :

Rapport préliminaire. Date d'octobre 1981. N'a pas été déposé à la Chambre des communes. Intitulé *Le pour et le contre : vers une politique nouvelle sur les pêches canadiennes du Pacifique. Rapport préliminaire de la Commission sur la politique des pêches du Pacifique*, Peter H. Pearse, commissaire (Vancouver, La Commission, 1981), 1 vol., pagination multiple.

Rapport final. Date de septembre 1982. N'a pas été déposé à la Chambre des communes. Intitulé *Pour remonter le courant : une nouvelle politique des pêches canadiennes du Pacifique. Rapport final de la Commission sur la politique des pêches du Pacifique*, Peter H. Pearse, commissaire (Ottawa, Approvisionnement et Services Canada, 1982), xii, 336 p.

Décret du conseil C.P. 60, 12 janvier 1981, modifié par le décret du conseil C.P. 262, 28 janvier 1982, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., ch. 1-13) et sur la recommandation du ministre des Pêches et des Océans.

Mandat :

Faire enquête et rapport sur la situation, la gestion et l'utilisation des ressources halieutiques de la côte canadienne du Pacifique, exclusion faite des accords entre le Canada et les pays étrangers qui régissent les droits de pêche et la conservation des stocks et, plus particulièrement, sur a) la situation des stocks de poisson à l'intérieur de la zone canadienne de la côte du Pacifique, les niveaux actuels d'exploitation et leurs rapports avec le taux optimal d'utilisation; b) les dispositions en matière de conservation, de gestion, de protection et d'expansion des ressources halieutiques, y compris la protection de l'habitat en eaux de marée ou sans marée et la mise en valeur des stocks de salmonidés; c) la structure et la taille de la flottille de pêche commerciale et le rapport entre la capacité d'exploitation de la flottille et le taux optimal d'exploitation des stocks; d) la politique et les procédures concernant la délivrance de permis de pêche commerciale et la réglementation de la taille et de la structure de la flottille de pêche, y compris les droits à percevoir par la Couronne pour les privilèges de pêche; et e) les caractéristiques et l'importance de la pêche non commerciale des espèces de salmonidés dans les eaux de marée et sans marée, ainsi que la politique et les procédures pour la réglementation de la pêche non commerciale.

De plus, le Commissaire doit formuler des recommandations en vue de s'assurer que la législation, la politique, les procédures et mesures applicables à la gestion et à l'utilisation des ressources halieutiques, protègent les intérêts du public, et notamment a) que les ressources halieutiques et leur utilisation sont mises à profit le plus efficacement possible pour l'expansion économique et sociale du peuple canadien, notamment pour les gens de la côte canadienne du Pacifique, compte tenu que cette mise à profit peut se réaliser sur le plan de l'économie, des loisirs et dans d'autres domaines à caractère social; b) que l'octroi des privilèges de pêche à des pêcheurs commerciaux, sportifs et autochtones à des fins de subsistance, contribue à un mode de gestion et de conservation approprié, à une répartition équitable des prises entre les secteurs et à la rentabilité économique dans le cadre de l'expansion de la flottille de pêche commerciale; c) que les droits perçus par la Couronne pour l'accès à la pêche commerciale ou les débarquements de poisson sont compatibles avec la valeur des ressources capturées, une fois que les entreprises de pêche commerciale ont recueilli des revenus équitables et raisonnables; d) que le dynamisme qui anime l'industrie halieutique se maintient et progresse, et que la structure, le type de propriété et le contrôle qui la caractérisent sont compatibles avec l'efficacité de l'industrie, et e) que les dispositions concernant la gestion, la mise en valeur et la protection des ressources halieutiques, l'administration de la politique en matière de pêche, ainsi que la consultation et la communication entre le gouvernement du Canada et les groupes du secteur privé visés par l'activité halieutique, sont structurées et efficaces.

Après une décennie de prix records pour le saumon et le hareng, l'industrie halieutique de la côte du Pacifique connut une période de dépression au début des années 1980. Par exemple, en 1980, la valeur totale des pêches s'élevait à 250 millions de dollars comparativement à 566 millions en 1979. En 1981, l'industrie enregistra une légère amélioration, mais elle était encore considérablement éprouvée. Peter Pearse, commissaire nommé par le gouvernement du Canada pour faire enquête sur les pêches, mentionnait que les pêches de la côte du Pacifique traversaient une crise, qu'après deux ans de dépression, les conditions économiques des pêcheries commerciales étaient particulièrement difficiles et, qu'en outre, on notait une préoccupation croissante face à l'état précaire des stocks de poissons, une inquiétude grandissante chez les Indiens en ce qui a trait à leurs droits traditionnels de pêche, ainsi que chez les pêcheurs sportifs face aux possibilités de pratiquer leur activité favorite. Pearse ajoutait que bien qu'ils aient été aggravés par les conditions actuelles, les problèmes économiques découlaient de lacunes fondamentales dans les politiques des pêches. Toutefois, selon lui, une amélioration du cadre d'action stratégique pouvait métamorphoser un tableau ténébreux et incertain en une vision d'avenir extrêmement brillante. Les ressources étaient remarquablement riches et même enviables par rapport à d'autres zones de pêche, et bien que les stocks aient été affaiblis, ils étaient, généralement parlant, en bien meilleur état que les ressources surexploitées d'autres régions du monde.

Pearse soulignait qu'il n'y avait pas eu d'étude indépendante approfondie de l'industrie halieutique du Pacifique depuis 1939, année où Gordon McGregor Sloan avait mené une enquête fédérale sur le saumon du Pacifique. Il était donc temps de réaliser une enquête sur les politiques des pêches et on espérait que les réformes proposées permettraient aux pêcheries de réaliser leur plein potentiel (*Pour remonter le courant : une nouvelle politique des pêches canadiennes* du Pacifique. *Rapport final de la Commission sur la politique des pêches du Pacifique*. Peter H. Pearse, Commissaire, Vancouver - Septembre 1982. [Ottawa, Approvisionnements et Services Canada, 1982], p. vii; Réunion préliminaire, Commission sur la politique des pêches du Pacifique, Prince Rupert, 13 février 1981, RG 33/132, vol. 7, p. 5-7 et *Canadian Annual Review*, 1981, p. 410).

La commission tint ses audiences du 8 avril 1981 au 29 avril 1982, à Nanaimo, Port Alberni, Prince Rupert, Vancouver, North Vancouver, Victoria, Terrace, Kispiox, Powell River, Campbell River, Port Hardy et Whitehorse. Elle reçut 193 mémoires.

En outre, des réunions parallèles eurent lieu dans plusieurs villes et villages de la côte de la Colombie-Britannique et de l'intérieur.

Texte réglementaire :

Décret du conseil C.P. 445, 25 mars 1954, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., ch. 154, 1952) et sur la recommandation du ministre de la Justice.

Mandat :

Enquêter et faire rapport sur la question de savoir si le droit pénal canadien relatif aux psychopathes sexuels criminels devrait être modifié à quelque égard et, le cas échéant, de quelle manière et dans quelle mesure.

Commissaires :

James Chalmers McRuer, président, Gustave Desrochers et Helen Kinnear.

Secrétaire :

R. Noel Dickson.

Documents :

Comptes rendus d'audiences publiques et d'audiences à huis clos, dossiers de cas, coupures de presse, mémoires, publications, un exemplaire du rapport de la commission et documents connexes.

Voir l'instrument de recherche 33/131-131.

Rapport :

Date du 21 mars 1958. Déposé à la Chambre des communes le 16 avril 1959. Document parlementaire n° 218, 1959. Intitulé *Rapport de la Commission royale d'enquête sur le droit pénal en matière de psychopathie sexuelle criminelle* (Ottawa, Imprimeur de la Reine, 1958), xiii, 208 p.

Commission royale d'enquête sur le droit pénal en matière de psychopathie sexuelle criminelle, 1948-1958, 0,6 m (vol. 1-3)

Au début des années 1950, le *Code criminel* (S.R.C., 1927, ch. 36) prévoyait qu'un contrevenant sexuel était d'abord jugé pour le délit qu'il avait commis. S'il était reconnu coupable, le tribunal pouvait entendre la preuve démontrant que le contrevenant était un psychopathe sexuel. Aux termes de la loi, on désignait ainsi toute personne qui, par une série de comportements délictueux en matière sexuelle, avait montré son incapacité à contrôler ses pulsions sexuelles et qui, par conséquent, était susceptible d'agresser une autre personne, de lui causer des blessures, des pertes matérielles, des souffrances ou tout autre préjudice. Pour pouvoir déclarer quelqu'un psychopathe sexuel, la procédure exigeait le témoignage d'au moins deux psychiatres. Si, se fondant sur ces témoignages, le tribunal se prononçait en faveur de la psychopathie, le contrevenant était condamné à une peine d'emprisonnement d'au moins deux ans et ensuite à une période indéterminée. Tous les trois ans après la condamnation, le dossier et l'état mental du détenu étaient réexaminés afin de déterminer s'il pouvait être libéré.

En 1948, le *Code criminel* fut modifié, mais l'ajout de l'article 1054a, qui concernait tout particulièrement les psychopathes sexuels criminels, fut considéré comme inefficace. De 1948 à 1955, seulement vingt-trois personnes ont été condamnées au Canada en vertu de la loi. Selon le témoignage reçu par la commission d'enquête, le petit nombre de condamnations était attribuable à l'exigence des preuves requises, ainsi qu'aux contraintes procédurales visant à déterminer si un contrevenant est un psychopathe sexuel aux termes de la loi. On estima donc qu'une révision de la loi amènerait un renforcement des dispositions du *Code criminel* relatives à cette question.

Le 11 mars, le ministre fédéral de la Justice annonça aux Communes qu'il avait l'intention de confier à une commission royale le mandat d'examiner la loi relative aux psychopathes sexuels criminels. En fait, le ministre avait discuté de cette question avec le juge McRuer, qui venait d'être nommé président de la Commission royale chargée d'étudier la défense d'aliénation mentale en matière criminelle. McRuer était d'avis qu'une autre commission d'enquête devrait être nommée pour étudier le cas des psychopathes sexuels. Le 25 mars, le gouvernement du Canada institua donc une commission royale sur cette question sous la présidence du juge McRuer (11-12 Geo. VI, ch. 39, 1948, art. 43; *Rapport de la Commission royale d'enquête sur le droit pénal en matière de psychopathie sexuelle criminelle*, Ottawa, Imprimeur de la Reine, 1958; et Chambre des communes, *Débates*, 11 mars 1954, p. 2895).

La commission tint ses audiences du 29 mars 1954 à février 1956 dans toutes les capitales provinciales, ainsi qu'à Montréal, Ottawa et Vancouver. Elle reçut 52 mémoires.

Texte réglementaire : Décret du conseil C.P. 289, 2 mars 1954, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1952, ch. 154) et sur la recommandation du ministre de la Justice.

Mandat : Enquêter et faire rapport sur la question de savoir si le droit pénal du Canada touchant la défense d'aliénation mentale devrait être modifié à quelque égard et, le cas échéant, de quelle manière et dans quelle mesure.

Commissaires : James Chalmers McRuer, président, Gustave Desrochers, Helen Kinnear, Robert Orville Jones et Joseph Harris.

Secrétaire : R. Noel Dickson.

Documents : Comptes rendus d'audiences publiques et d'audiences à huis clos accompagnés d'un index partiel (vol. 1), coupures de presse, publications, dont un exemplaire du rapport de la commission, résumés d'affaires judiciaires et notes manuscrites.

Voir l'instrument de recherche 33/130-130.

Rapport : Daté du 25 octobre 1956. Déposé à la Chambre des communes le 15 novembre 1957. Document parlementaire n° 194, 1957-1958. Intitulé *Rapport de la Commission royale chargée d'étudier la défense d'aliénation mentale en matière criminelle* (Hull, Imprimeur de la Reine, [1957], viii, 75 p.)

Publications : L'Annexe C du rapport comprend une bibliographie.

Commission royale chargée d'étudier la défense d'aliénation mentale en matière criminelle, 1952-1956, 0,4 m (vol. 1-2)

Au début des années 1950, en vertu de certaines dispositions du *Code criminel* (S.R.C., 1927, ch. 36) relatives à l'aliénation mentale, une personne aliénée était considérée comme incapable de commettre un délit criminel. Si on pouvait établir l'aliénation mentale dans une affaire criminelle, l'accusé était déclaré non coupable du fait de cette aliénation. Un mandat du lieutenant-gouverneur était alors nécessaire pour confier l'aliéné aux soins d'un établissement de santé. Il y demeurait jusqu'à ce qu'il soit considéré apte à être libéré. En outre, en vertu de la loi, une personne ne pouvait être déclarée coupable d'un crime si la maladie mentale la rendait inapte à subir un procès. Dans ces conditions, la personne était gardée en détention jusqu'à ce qu'elle soit suffisamment rétablie pour comprendre la nature des procédures juridiques engagées contre elle.

Le 2 février 1953, la Chambre des communes renvoya la *Loi concernant le droit criminel* (projet de loi n° 93) à un comité spécial. Dans son rapport final, daté du 1^{er} mai 1953, le gouverneur en conseil recommandait d'établir une commission royale ou un comité parlementaire mixte chargé d'étudier les aspects du droit pénal relatifs à la défense d'aliénation mentale et de faire rapport sur cette question. Le 12 janvier 1954, un comité mixte du Sénat et de la Chambre des communes fut mis sur pied, mais les dispositions du *Code criminel* sur la défense d'aliénation mentale étaient si complexes, qu'elles ne lui furent pas soumises. Le ministre fédéral de la Justice décida d'établir une enquête publique chargée de déterminer s'il fallait modifier le droit criminel relatif à la défense d'aliénation (2-3 Eliz. II, ch. 51, article 16, 1953-1954; et décret du conseil C.P. 289, 2 mars 1954).

En 1991, la Cour suprême du Canada statua que l'article du *Code criminel*, qui stipule qu'une personne déclarée non coupable pour raison d'aliénation mentale doit être automatiquement et indéfiniment gardée dans un établissement, était inconstitutionnel. Le gouvernement fédéral modifia donc le *Code criminel* en décembre 1991, y ajoutant l'obligation de revoir chaque cas périodiquement. En vertu de ces modifications, aux tribunaux qui traitent avec des personnes acquittées d'un délit en raison de leur aliénation mentale s'offrent les possibilités suivantes : acquittement total, acquittement selon des conditions imposées par le tribunal ou détention dans un hôpital selon les conditions imposées par le tribunal.

La commission tint ses audiences du 29 mars 1954 au 12 avril 1955 dans toutes les capitales provinciales, ainsi qu'à Montréal, Ottawa et Vancouver. Elle reçut 22 mémoires.

Rapport : Date du 21 octobre 1981. Déposé à la Chambre des communes le 15 décembre 1981. Document parlementaire n° 321-4/64, 1980-1983. Intitulé *Commission royale d'enquête sur la situation dans le service extérieur* (Ottawa, Approvisionnements et Services, 1981), ix, 503 p.

Publications :

Le rapport comprend une bibliographie.

Texte réglementaire :

entre les dirigeants des gouvernements et dans laquelle encore les relations internationales se trouvaient affectées par des questions de plus en plus complexes et de plus en plus techniques. (Correspondance, Premier ministre Trudeau à Pamela A. McDougall, 28 août 1980 et communiqué de presse, Cabinet du premier ministre, 28 août 1980, *Commission royale d'enquête sur la situation dans le service extérieur* [Ottawa, Approvisionnements et Services Canada, 1981], p. vii-ix et RG 33/126, vol. 1).

La commission ne tint pas d'audiences publiques, mais elle organisa plusieurs réunions entre le 2 septembre 1980 et le 9 octobre 1981. Elle visita plus de 40 p. 100 des 119 missions du service extérieur canadien à l'étranger. Environ 2 400 employés du service extérieur répondirent à des questionnaires. La commission reçut aussi 806 mémoires de particuliers et de groupes, y compris d'employés du service extérieur et de leurs conjoints, du personnel de soutien administratif et d'associations d'employés du service extérieur.

Décret du conseil C.P. 2336, 27 août 1980, modifié par le décret du conseil C.P. 2457, 12 septembre 1980, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., ch. I-13, 1970) et sur la recommandation du premier ministre.

Mandat :

Étudier les changements survenus dans les conditions du service extérieur et faire rapport des mesures que le gouvernement pourrait prendre pour s'y adapter dans le contexte du cadre légal, administratif et opérationnel du service extérieur et des activités connexes en accordant une attention particulière a) aux points de vue des personnes affectées au service extérieur et de leurs familles; b) aux points de vue des organismes et des associations qui représentent les membres du service extérieur et leurs familles; c) aux points de vue des ministères et des organismes de qui relève la gestion du service extérieur; et d) aux points de vue des personnes qui, tant à l'intérieur qu'à l'extérieur du gouvernement, font directement appel au service extérieur.

Commissaire :

Pamela A. McDougall.

Secrétaire :

J.-G. Valliquette.

Documents :

Mémoires, questionnaires, entrevues, documents relatifs aux ministères du gouvernement fédéral, à des sociétés d'Etat, aux associations de service extérieur et au service extérieur d'autres pays et documents connexes.

Voir l'instrument de recherche 33/129-129, parties 1 et 2.

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14 D2, vol. 2467, Document parlementaire 321-4/64A, Réponse du gouvernement du Canada au Rapport de la Commission royale d'enquête sur la situation du service extérieur.

Titre :

Commission royale d'enquête sur la situation dans le service extérieur,
1969-1982, 4,4 m (vol. 1-22)

Historique :

Le 21 mars 1980, le premier ministre Trudeau annonçait que le gouvernement fédéral entendait donner de l'expansion au service extérieur canadien. Le ministère des Affaires extérieures serait désormais responsable non seulement de la politique étrangère, mais aussi du Bureau de tourisme du gouvernement, des politiques de commerce international, de la promotion commerciale et d'autres domaines connexes. Trudeau se disait préoccupé par le fait que les conditions associées aux affectations de service extérieur démoralesaient les membres de ce service et leurs familles. Il ajoutait que cette situation risquait de miner le professionnalisme du service extérieur, reconnu de longue date et envié par la communauté internationale. Il décida donc de nommer une commission royale d'enquête sur la situation dans le service extérieur, qui serait présidée par Pamela McDougall.

Dans une lettre à McDougall, datée du 28 août, Trudeau exposait son point de vue sur le manque de motivation dans le service extérieur. Il écrivait qu'il souhaitait saisir toute l'insatisfaction qui affecte le service extérieur, insatisfaction liée au rôle dévolu aux employés de ce service et au rôle du service extérieur lui-même, et voir, tant de l'intérieur que de l'extérieur du service, comment les employés et le service remplissent leurs fonctions. Trudeau ajoutait qu'il régnait un mécontentement général à l'égard des conditions du service extérieur.

Il soutenait que ce mécontentement pouvait ruiner toute motivation. Il proposait à McDougall que ce déclin de la motivation pouvait dépendre de deux facteurs reliés : l'expansion du service extérieur et son recours croissant à une gestion systématique et bureaucratisée. Il revenait donc à McDougall d'examiner la situation et de recommander au gouvernement des changements susceptibles d'améliorer la gestion de ses opérations de service extérieur et les conditions de travail offertes à son personnel. Il était évident, par exemple, que les employés du service extérieur vivaient fréquemment des perturbations dans leur vie familiale et, que parfois, dans certaines affectations plus dangereuses, leur sécurité physique était menacée.

Trudeau soulignait aussi à McDougall, que la façon dont on percevait le service extérieur pouvait être désuète. Il notait qu'une partie du problème pouvait provenir du fait que les perceptions générales que l'on se faisait du service extérieur, ainsi que les perceptions au sein même de ce service, se fondaient sur une notion de pratique diplomatique issue d'une époque révolue et qui, de toute façon, précédait l'expérience canadienne. Selon Trudeau, les concepts traditionnels de service extérieur avaient perdu toute pertinence à une époque de communications internationales instantanées dans laquelle on constatait une importance croissante des contacts personnels

9 octobre 1979 (Ottawa, Approvisionnement et Services Canada, 1980), x, 81 p.

Deuxième rapport. Date du 23 janvier 1981. N'a pas été déposé à la Chambre des communes. Intitulé *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. La liberté et la sécurité devant la loi*, août 1981 (Ottawa, Approvisionnement et Services Canada, 1981), 2 vol., xxii, 1333 p.

Troisième rapport. Date du 15 mai 1981. N'a pas été déposé à la Chambre des communes. Intitulé *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. Certaines activités de la GRC et la connaissance qu'en avait le gouvernement*, août 1981 (Ottawa, Approvisionnement et Services Canada, 1981), xv, 537 p.

Troisième rapport. Supplément. Date du 30 janvier 1984. N'a pas été déposé à la Chambre des communes. Intitulé *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada : supplément à la partie IV du troisième rapport* (Ottawa, La Commission, 1984), pagination multiple.

Pour ne pas compromettre la sécurité du Canada et pour d'autres raisons telles que la protection de renseignements personnels relatifs à certaines personnes, des segments des deuxième et troisième rapports de la Commission McDonald n'ont pas été rendus publics en 1981. Certaines de ces sections ont été publiées depuis.

On trouvera une liste de 21 études réalisées pour la commission dans *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. La liberté et la sécurité devant la loi*, août 1981 (Ottawa, Approvisionnement et Services Canada, 1981), vol. 2, p. 1307-1308. Parmi ces études, les suivantes ont été publiées :

1) C.E.S. Franks, *Le Parlement et la sécurité* (Ottawa, La Commission, 1979), 91 p.

2) M.L. Friedland, *Les aspects juridiques de la sécurité nationale* (Ottawa, La Commission, 1979), 235 p.

3) J.L.J. Edwards, *La responsabilité ministérielle en matière de sécurité nationale dans la mesure où elle concerne les charges de Premier ministre, de Procureur général et de Solliciteur général du Canada* (Ottawa, La Commission, 1980), 147 p.

Rob Ferguson. *An Index to the Reports of the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police*, McDonald Commission [Ottawa] : Solliciteur général du Canada [1988?], 173 p.

Une bibliographie complète figure dans *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. Sécurité et information*, p. 1183-1209.

Mandat :

a) Conduire telles enquêtes que les Commissaires peuvent juger nécessaires dans le but de déterminer l'étendue et la fréquence de pratiques d'enquête et autres gestes non autorisés ou prévus par la loi, impliquant des membres de la Gendarmerie royale du Canada, et, à cet égard, d'examiner les politiques et procédures pertinentes qui régissent les activités de la Gendarmerie royale du Canada dans l'accomplissement de la tâche qui est sienne de protéger la sécurité du Canada;

b) faire rapport des faits qui ont entouré toute pratique d'enquête ou autre geste qui n'était pas autorisé ou prévu par la loi, impliquant des personnes qui étaient alors membres de la Gendarmerie royale du Canada tel qu'il pourra être établi devant la Commission, et de faire les recommandations quant à toute action subséquente que de l'avis des commissaires l'intérêt public rend nécessaire et opportune;

c) faire des recommandations et présenter à cet effet les rapports qu'ils jugent nécessaires et opportuns dans l'intérêt du Canada, quant aux politiques et procédures qui régissent les activités de la Gendarmerie royale du Canada dans l'accomplissement de la tâche qui est sienne de protéger la sécurité du Canada, quant aux mécanismes requis pour la mise en oeuvre de ces politiques et procédures, et finalement quant à l'à-propos des lois du Canada dans la mesure où elles s'appliquent à ces politiques et procédures, eu égard aux impératifs de sécurité du Canada.

Commissaires :

David C. McDonald, président, Donald S. Rickard et Guy Gilbert.

Secrétaire :

H.R. Johnson.

Documents :

Comptes rendus d'audiences de la Commission McDonald, de la Commission Keable et de la Commission on Royal American Shows Inc., documents relatifs à l'affaire Ridge, à l'affaire MacInnis, à la Canadian Javelin Ltd., et à la Commission on the Confidentiality of Health Information in Ontario, coupures de presse relatives à la Commission McDonald et documents connexes.

Voir l'instrument de recherche 33/128-128.

Note : L'acquisition 1992-93/251 comprend d'autres documents de la Commission McDonald transférés du Conseil privé aux Archives nationales en décembre 1992. Ces documents comprennent des pièces à conviction, des comptes rendus d'audiences à huis clos et d'audiences publiques, des dossiers d'opinion juridique, des dossiers d'avocats-conseils et divers documents envoyés par la GRC et par les ministères.

Rapports :

Premier rapport Date du 26 novembre 1979. N'a pas été déposé à la Chambre des communes. Intitulé *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. Sécurité et information.*

Fox rapporta cette information, ainsi que les révélations d'autres personnes, au commissaire Nadon de la GRC, qui demanda au ministre d'établir une commission d'enquête.

Le 6 juillet 1977, Fox annonça aux Communes la nomination d'une commission royale chargée d'enquêter sur « l'étendue et la fréquence des pratiques d'enquête et autres gestes qui ne sont pas autorisés ou prévus par la loi impliquant des membres de la Gendarmerie royale du Canada ». Simultanément, Francis Fox expliquait les circonstances ayant mené à l'établissement de la commission royale en disant que les allégations avaient immédiatement retenu son attention et qu'à sa demande, le solliciteur général adjoint du Canada et le procureur général adjoint chargé des affaires criminelles, avaient rencontré personnellement certaines des personnes qui avaient formulé les allégations. En outre, il avait demandé au commissaire de la GRC d'entreprendre les recherches qui étaient justifiées. Toujours selon Fox, le commissaire de la GRC l'aurait averti ultérieurement, après enquête préliminaire, que certaines de ces allégations n'étaient peut-être pas dépourvues de fondement. Certains membres de la GRC, dans l'exercice de leurs fonctions de protection de la sécurité nationale, pourraient bien avoir utilisé des méthodes illégales ou non autorisées et participé à des actions répréhensibles. Le commissaire aurait donc modifié sa position et recommandé que le gouvernement instaure une commission d'enquête sur les opérations et les procédés du Service de sécurité de la GRC, et ce, à l'échelle nationale (Voir Chambre des communes, *Debates*, 17 juin et 6 juillet 1977, p. 6793 et p. 7365; John Sawatsky, *Men in The Shadows : The RCMP Security Service* (Toronto : Doubleday Canada LTD., 1980), p. 278-283; Richard Cléroux, *Official Secrets : The Story Behind The Canadian Security Intelligence Service* (Toronto : McGraw-Hill Ryerson, 1990), p. 37-50 et *Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada. La liberté et la sécurité devant la loi*, août 1981 [Ottawa, Approvisionnement et Services Canada, 1981], vol. 1, p. 7-11).

Si l'on en croit le deuxième rapport des commissaires (vol. 1, p. 24), la commission tint, du 18 octobre 1977 au 25 août 1981, 169 audiences publiques et 144 audiences à huis clos, au cours desquelles furent déposés des preuves ou des mémoires. La commission reçut 524 pièces à conviction lors des audiences à huis clos et 468 dans le cadre des audiences publiques.

La commission a également mené des enquêtes relatives aux allégations, tenu des séances d'information officielles et plusieurs réunions privées. Elle s'est en outre rendu aux États-Unis, au Royaume-Uni, en Nouvelle-Zélande et en Australie pour y obtenir des informations.

Texte réglementaire :

Décret du conseil C.P. 1911, 6 juillet 1977, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. Modifié par le décret du conseil C.P. 2914, 28 octobre 1980,

Titre :

Historique :

Commission d'enquête sur certaines activités de la Gendarmerie royale du Canada, 1967-1981, 9,6 m (vol. 1-48; également n° d'acquisition 1992-93/251, 72 m, 240 boîtes)

En mars 1976 eut lieu à Montréal le procès de Robert Samson, ancien agent de la GRC et membre du Service de sécurité de ce corps policier. Samson répondait à des accusations relatives à un attentat à la bombe à la résidence d'un directeur des supermarchés Steinhilberg. Au cours de son procès, l'accusé a reconnu avoir été impliqué, au nom de la GRC, dans d'autres activités douteuses. Sommé de s'expliquer, il évoqua l'« Opération Bricole », nom de code donné à l'intrusion illégale, perpétrée le 7 octobre 1972, dans les locaux de l'Agence de presse libre du Québec (APLQ), agence de presse gauchiste, située au 3459 rue St-Hubert à Montréal, au cours de laquelle des documents avaient été subtilisés.

Le témoignage de Samson éveillea un intérêt considérable dans le public et une vive inquiétude se manifesta aux échelons supérieurs du gouvernement. Le 17 juin 1977, Francis Fox, alors Solliciteur général du Canada, déclara à la Chambre des communes que le gouvernement fédéral envisageait l'établissement d'une commission royale. L'idée en fut cependant abandonnée parce que Maurice Nadon, commissaire de la GRC, et Michael Darré, directeur général du Service de sécurité de la GRC, assurèrent le premier ministre Trudeau et le Solliciteur général Fox que l'affaire de l'APLQ était exceptionnelle et isolée et que la GRC demandait à ses membres d'agir en toute légalité. Toutefois, on se rendit bientôt compte que l'affaire de l'APLQ était loin d'être isolée. Les Services de sécurité de la GRC avaient participé à d'autres activités illégales.

Après que Samson et les autres personnes impliquées dans l'incident de l'APLQ eurent plaidé coupables, les implications de l'affaire apparurent au grand jour. Le fait que des officiers de trois corps policiers différents, à savoir le Service de sécurité de la GRC, la Sûreté du Québec et la police de la ville de Montréal, aient participé conjointement à l'effraction des locaux de l'APLQ montrait qu'il s'agissait d'une opération rigoureusement planifiée. Le gouvernement du Québec répondit à l'affaire de l'APLQ en nommant une commission d'enquête présidée par Jean Keable, chargée d'enquêter sur l'incident ainsi que sur toutes les autres activités illégales de la GRC au Québec.

Bientôt, d'autres activités non autorisées ou illégales du Service de sécurité de la GRC furent mises au jour, mais la révélation la plus troublante émana de l'intérieur même de la GRC. Quand les anciens sergents Donald McCleery et Gilles Brunet rencontrèrent la haute direction du Solliciteur général et du ministère de la Justice, le 6 et le 23 juillet 1977, relativement à leur congédiement de la GRC, ils alléguèrent que d'autres membres du Service de sécurité de la GRC avaient participé à des perquisitions non autorisées, procédé à l'ouverture illégale de courrier et utilisé de faux documents.

échéant, sur les modalités de versement de ladite indemnité, et

ii) toute autre recommandation que le commissaire juge appropriée.

Commissaire :

Hugh F. Gibson.

Secrétaire :

Marcel A.J. Dompierre.

Documents :

Comptes rendus d'audiences, pièces à conviction, coupures de presse, lois et règlements relatifs aux produits laitiers, décisions de la Cour suprême relatives à la commercialisation, documents traitant des conflits d'intérêt, dossiers portant sur l'établissement et le fonctionnement de la commission.

Voir l'instrument de recherche 33/127-125, parties 1-2.

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14, D2, vol. 2409, Document parlementaire n° 321-1/90B, Vérificateur général du Canada. Rapport du ministre de l'Agriculture sur la vérification générale de la Commission canadienne du lait, mai 1982.

Rapport :

Date du 29 décembre 1980. Déposé à la Chambre des communes le 12 mai 1981. Document parlementaire n° 321-4/110, 1980-1983. Intitulé *Rapport de la Commission d'enquête sur certaines allégations concernant des transactions de la Commission canadienne du lait*, Commissaires l'Honorable Juge Hugh F. Gibson et al. (Hull, Approvisionnement et Services Canada, 1981), 214 p.

historique des négociations de Schaffer Bros. avec les gouvernements cubain et mexicain et des ventes de l'entreprise à ces gouvernements, ainsi que des relations de cette société avec la Commission canadienne du lait et son prédécesseur, la Commission de stabilisation des prix agricoles.

En 1977, le premier ministre Trudeau demanda au ministre de la Justice d'entreprendre une investigation des allégations de Schaffer Bros. Ltd. contre la CCL. Terminée en 1978, cette enquête rejetait les plaintes de Schaffer Bros. Ltd. Ce rejet parut totalement inacceptable à Michel Choquette et à Warren Allmand, qui insistèrent pour obtenir une enquête indépendante plus complète. Le 25 mai 1979, le premier ministre Trudeau institua donc une commission royale chargée d'enquêter et de faire rapport sur les transactions entre la Commission canadienne du lait et Schaffer Bros. Ltd. de 1966 à 1977 (*Rapport de la Commission d'enquête sur certaines allégations concernant des transactions de la Commission canadienne du lait*, Commissaire l'Honorable Juge Hugh F. Gibson, et al. (Approuvations et Services Canada, Hull, 1981), p. 1-10 et p. 199-201).

Les audiences de la commission se déroulèrent du 23 novembre 1979 au 2 juillet 1980 à Ottawa, Hull et Montréal. Le commissaire tint également une audience privée à Mexico, les 16 et 17 octobre 1980. La commission reçut 203 pièces à conviction.

Décret du conseil C.P. 1586, 25 mai 1979, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur certaines allégations de la société Schaffer Bros. Ltd. et de M. Michel Choquette, concernant des transactions conclues, de 1966 à 1977, entre la Commission canadienne du lait, ses fonctionnaires et ses employés et la société Schaffer Bros. Ltd. de Montréal (Québec), transactions qui ont trait à des exportations canadiennes de poudre de lait écrémé, et :

- a) cerner les questions soulevées dans lesdites allégations;
- b) en se fondant sur lesdites questions, déterminer tous les faits justificatifs concernant les transactions conclues, de 1966 à 1977, entre la Commission canadienne du lait, ses fonctionnaires et employés et la société Schaffer Bros. Ltd., transactions qui ont trait à des exportations canadiennes de poudre de lait écrémé;
- c) de vérifier si la Commission canadienne du lait, ses fonctionnaires et ses employés ont agi de façon honnête et loyale au cours de leurs transactions avec la société Schaffer Bros. Ltd. et d'inclure dans le rapport :

- i) une recommandation sur l'opportunité de verser une indemnité à la société Schaffer Bros. Ltd. et, le cas

Commission d'enquête sur certaines allégations concernant des transactions de la Commission canadienne du lait, 1966-1980, 3,2 m (vol. 1-16)

Historique :

La Commission d'enquête sur certaines allégations concernant des transactions de la Commission canadienne du lait (CCL) est issue d'accusations formulées par Schaffer Bros. Ltd. et Michel Choquette, tous deux de Montréal, relativement aux relations que Schaffer Bros. Ltd. avait entretenues dans les années 1966-1977 avec la CCL pour l'exportation de lait écrémé en poudre canadien vers le Mexique et vers d'autres pays.

Dès 1968, David Schaffer et son fils George se plaignirent à de hauts fonctionnaires du gouvernement que la société Schaffer Bros. Ltd. était injustement traitée lors de ses transactions avec la CCL. De 1974 à 1977, Michel Choquette accumula sur les griefs de Schaffer Bros. Ltd. une documentation détaillée qu'il soumit au premier ministre Trudeau, à Warren Allmand, député de Notre-Dame-de-Grâce, circonscription électorale montréalaise où était établie la société Schaffer Bros. Ltd.; et à Gilles Choquette, président de la Commission canadienne du lait (aucune parenté avec Michel Choquette).

Choquette se plaignait ou alléguait que depuis janvier 1968, la Commission canadienne du lait n'était pas cohérente ou juste dans l'administration de ses politiques relatives à la vente de lait écrémé en poudre et dans la gestion des fonds publics placés sous son contrôle pour être redistribués sous forme de subventions aux entreprises privées. Il reprochait à la CCL d'avoir pris à son compte le marché et les affaires négociées par Schaffer Bros. Ltd. avec l'organisme d'approvisionnement du gouvernement mexicain connu sous le nom de CONASUPO (Compania Nacional de Subsistencias Populares), et, dans le cadre de cette récupération, d'avoir favorisé certains marchands qui faisaient concurrence à Schaffer Bros. Ltd. et récompensaient les dirigeants de la CCL en leur versant un pourcentage. Deuxièmement, Choquette formulait des plaintes ou des allégations voulant que la Commission canadienne du lait, qui est une société d'État, ait nourri une fausse conception de son rôle dans le domaine de l'exportation du lait écrémé en poudre.

Michel Choquette était préoccupé par l'apparente incapacité de Schaffer Bros. Ltd. à obtenir justice de ses griefs auprès du ministère de l'Agriculture. Il lui semblait que les différents ministres s'en étaient trop aveuglément remis aux dirigeants de la CCL pour évaluer les plaintes de Schaffer Bros. Ltd. et il expliquait son engagement dans cette affaire en disant que, puisqu'il n'existait pas d'ombudsman fédéral au Canada, il avait décidé de porter l'affaire à la connaissance de Pierre Elliott Trudeau et de lui fournir, ainsi qu'à Warren Allmand et à Eugene Whelan, alors ministre de l'Agriculture, toute documentation qu'il pourrait préparer ou réunir pour aider ces messieurs à se faire une idée juste des griefs de Schaffer Bros. Pour ce faire, il avait écrit le *Résumé A*, qui constituait une relation

commission juge appropriées pour remédier aux conséquences qui doivent, à son avis, être corrigées, et qui découlent de la concentration de la propriété et du contrôle de cette industrie ainsi que de la fermeture récente de journaux.

Commissaires : Thomas Worrall Kent, président, Laurent A. Picard et Borden Spears.

Secrétaire : Nicholas Gwyn.

Documents : Comptes rendus d'audiences, mémoires, coupures de presse et documents de recherche, états financiers, coupures de presse et documents connexes.

Voir l'instrument de recherche 33/126-123, parties 1-3.

Autres documents : Archives nationales du Canada, Commission royale sur les quotidiens. Documents audio-visuels. Bandes et cassettes d'enregistrements d'audiences et de réunions de la commission, 1980-1981, environ 275 h, n° d'acquisition 1982-0258; bandes sonores de réunions internes de la commission, 21 mai 1981, environ 7 h, n° d'acquisition 1983-0018.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1987-77X : Canada. Commission royale d'enquête sur les quotidiens. Trente-sept caricatures d'artistes portant sur la commission.

Rapport : Date du 1^{er} juillet 1981. N'a pas été déposé à la Chambre des communes. Intitulé *Commission royale sur les quotidiens* (Hull, Approvisionnement et Services Canada, 1981), xiii, 323 p.

Publications : Huit travaux de recherche préparés pour la commission ont été publiés. On trouvera une liste de ces travaux dans *Publications du gouvernement canadien*, vol. 29, octobre-décembre 1981, p. 354 et vol. 30, janvier-mars 1982, p. 57.

Titre :

Commission royale d'enquête sur les quotidiens, 1972-1982, 7,6 m (vol. 1-40)

Historique :

Le 27 août 1980, le *Journal d'Ottawa*, propriété de Thomson Newspapers Ltd., et la *Tribune de Winnipeg*, propriété de Southam Inc., cessaient de paraître. La disparition de ces deux journaux établis de longue date éliminait toute concurrence directe à Ottawa et à Winnipeg entre Thomson et Southam. Ces fermetures signifiaient non seulement une diminution du nombre de quotidiens publiés au Canada, mais elle contribuait aussi à la concentration de la propriété et du contrôle des journaux.

Presque immédiatement, Joe Clark, chef de l'opposition, et le sénateur Keith Davey, ancien président du Comité sénatorial spécial de 1970 sur les mass-médias, réclamèrent qu'une forme d'enquête fédérale soit tenue sur la fermeture de ces journaux et sur la concentration de la propriété des journaux au Canada. Le 3 septembre 1980, le gouvernement du Canada établit donc une commission royale chargée de déterminer si l'élimination de la compétition et la concentration de la propriété des journaux pouvaient affecter sérieusement les responsabilités d'information de la presse.

Une enquête indépendante, instituée en vertu de la *Loi relative aux enquêtes sur les coalitions* (S.R.C., 1970, ch. C-23), mena à des accusations en vertu des dispositions de la loi relatives aux conspirations et aux fusions. Au nombre des détenteurs figuraient Thomson, Southam et un certain nombre d'autres compagnies concernées par la propriété de journaux (*Globe and Mail*, Toronto, 29 août et 1^{er} septembre 1980; *Commission royale sur les quotidiens* [Hull, Approvisionnements et Services Canada, 1981], p. xi; et L.A. Litvik et C.J. Maule, « Competition Policy and Newspapers in Canada », *Antitrust Bulletin*, vol. XXVIII, n° 2, été 1983, p. 461-481).

Texte réglementaire :

Décrets du conseil C.P. 2343, 3 septembre 1980 et C.P. 2483 et C.P. 2484, 15 septembre 1980, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur la situation dans l'industrie des quotidiens au Canada, en particulier, en ce qui a trait à la concentration de la propriété et du contrôle de cette industrie et à la fermeture récente de journaux, et plus particulièrement sur les questions suivantes : a) jusqu'à quel point la situation qui règne actuellement dans l'industrie des journaux a affecté ou pourrait affecter l'accomplissement de ses responsabilités envers le public; b) quelles sont les conséquences de l'élimination d'un quotidien pour les individus et pour la vie communautaire dans les villes où un journal a disparu au cours des dernières années; c) quelles sont les conséquences de la présente situation dans l'industrie des journaux pour la vitalité et la cohésion de l'ensemble du pays, sur le plan politique, économique, social et intellectuel; d) quelles mesures la

Rapport :

Date de décembre 1980. Déposé à la Chambre des communes le 19 janvier 1981. Document parlementaire n° 321-4/22, 1980-1983. Intitulé *Rapport d'enquête sur l'accident ferroviaire de Mississauga*, l'Honorable Juge Samuel G.M. Grange, Cour Suprême de l'Ontario, commissaire, décembre 1980 (Hull, Approvisionnements et Services Canada, 1981), 212, 42 p.

2) les mesures que l'on peut raisonnablement envisager afin de prévenir, à l'avenir, la répétition de semblables accidents au Canada;

3) dans quelle mesure les lois, réglementations et normes fédérales en vigueur ainsi que les procédures et routines de travail observées dans ce cas, garantissent la sécurité de la manutention et du transport par rail des marchandises dangereuses;

4) dans quelle mesure les procédures et méthodes d'entretien aux chemins de fer et la fréquence des révisions permettent d'assurer le respect des normes applicables à la manutention et au transport des marchandises dangereuses;

5) dans quelle mesure les moyens de faire appliquer les normes et règlements de sécurité relatifs à la manutention et au transport par rail de marchandises dangereuses sont suffisants, notamment en ce qui concerne la formation, la qualification et le nombre des inspecteurs fédéraux;

6) comment les enquêtes réalisées et les mesures correctives introduites à la suite de tels accidents peuvent être coordonnées entre divers organismes officiels et privés, dans le cadre constitutionnel et juridictionnel existant;

7) les conditions de partage des responsabilités quant à la sécurité, l'entretien et l'inspection des plates-formes, voies, équipements et signaux.

Commissaire : Samuel G.M. Grange.

Secrétaire : Thomas B. Millar.

Documents : Comptes rendus d'audiences, pièces à conviction, registre tenu quotidiennement, lois et règlements relatifs au transport ferroviaire et documents connexes.

Voir l'instrument de recherche 33/125-119, parties 1-4.

Autres documents :

Archives nationales du Canada, Archives de l'Enquête sur l'accident ferroviaire de Mississauga. Documents cartographiques et architecturaux. RG 33, M125, n° d'acquisition 80103/54, 92 cartes, plans, photographies aériennes et dessins; et RG 33, M125, n° d'acquisition 89035, 41 cartes, graphiques, photographies aériennes et dessins. Ces documents sont classés à titre de pièces à conviction et certains d'entre eux n'existent que sur microfilm.

Titre :

Enquête sur l'accident ferroviaire de Mississauga, 1962-1980, 7 m (vol. 1-35)

Historique :

Le 10 novembre 1979, vers minuit, le convoi numéro 54 des Chemins de fer du Canadien Pacifique, qui reliait London à Toronto, déralla à la hauteur de Mavis Road dans la ville de Mississauga. Un certain nombre de wagons-citernes, remplis de produits inflammables et toxiques, furent transformés en un tas de ferraille informe. Le premier wagon qui déralla était rempli de toluène. Il quitta la voie à la suite d'un phénomène de « boîte chaude » dû à l'excès de frottement entre les paliers des roues et une fusée d'essieu causant un mauvais fonctionnement de l'essieu. Vingt-trois autres wagons, dont 19 remplis de produits dangereux, déraillèrent également. Le feu embrasa la plupart des wagons déraillés et trois citernes chargées de propane explosèrent, causant des dégâts matériels considérables.

Le septième wagon accidenté, qui transportait du chlore, apparut comme le plus dangereux. Le risque que ce gaz puisse s'échapper et s'étendre sur un secteur densément peuplé justifia l'évacuation de 250 000 personnes. La plupart de ces personnes étaient de Mississauga, mais quelques-unes, qui habitaient Oakville et Etobicoke, furent également forcées de s'éloigner du lieu du déraillement. L'évacuation fut la plus importante de toute l'histoire de l'Amérique du Nord. Certaines personnes ne purent retourner chez elles que cinq jours après le déraillement.

Le 21 novembre 1979, le ministre fédéral des Transports, Don Mazankowski, annonça aux Communes la tenue d'une enquête publique chargée d'étudier les causes de l'accident ferroviaire de Mississauga et de trouver des moyens de prévenir la répétition de tels accidents (*Rapport d'enquête sur l'accident ferroviaire de Mississauga*, décembre 1980 [Hull, Approvisionnements et Services, 1981], p. 1-6.)

La commission tint ses audiences à Mississauga, du 15 janvier au 3 octobre 1980. Elle reçut 687 pièces à conviction.

Texte réglementaire :

Décret du conseil C.P. 3286, 4 décembre 1979, modifié par le décret du conseil C.P. 2409, 5 septembre 1980, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1970, ch. I-13) et sur la recommandation du ministre des Transports.

Mandat :

Faire enquête et rapport sur les conditions actuelles de sécurité dans la manutention et le transport par rail des marchandises dangereuses et rapporter plus précisément :

- 1) les causes et circonstances du déraillement survenu à Mississauga (Ontario), le 10 novembre 1979, ainsi que ses effets;

Publications :

Le grain et les chemins de fer dans l'Ouest canadien (Ottawa, Approvisionnement et Services Canada, 1977), 3 vol.

Pendant l'enquête, Snavey travailla en étroite collaboration avec la Commission royale sur la manutention et le transport du grain, qui s'occupait principalement de l'abandon de certaines lignes secondaires dans l'Ouest canadien. (*Rapport de la Commission sur la manutention et le transport du grain*, Ottawa, Approvisionnement et Services Canada, vol. 1, 1976-1977, et coupures de presse, RG 33/124, vol. 7).

La commission tint ses audiences du 19 avril au 30 juillet 1976 à Winnipeg, Regina et Orillia. Elle reçut 36 mémoires et 213 pièces à conviction.

Un comité technique formé de membres de la commission et de représentants de coopératives céréalières, des chemins de fer et du gouvernement, se réunit en 1975-1976 pour examiner les techniques d'estimation des coûts des chemins de fer et autres questions connexes.

Texte réglementaire :

Décret du conseil C.P. 873, 18 avril 1975 en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre responsable de la Commission canadienne du blé et du ministre des Transports.

Faire enquête et rapport sur les coûts et revenus liés au système de transport des céréales et sur les relations entre ces dépenses et ces recettes.

Commissaire :

Carl M. Snavey, fils.

Documents :

Comptes rendus d'audiences, pièces à conviction, mémoires, coupures de presse, dossiers administratifs, ébauches du rapport de la commission, procès-verbaux de réunions du comité technique et documents sur les coûts du transport ferroviaire des céréales et des produits céréaliers.

Voir l'instrument de recherche 33/124-118.

Autres documents :

Archives nationales du Canada, Commission royale sur les coûts du transport du grain par rail. Documents cartographiques et architecturaux. RG 33, M124, n° d'acquisition 80103/28, 22 cartes, plans et dessins du réseau ferroviaire.

Rapport :

Volume 1. Date d'octobre 1976. Déposé à la Chambre des communes le 6 décembre 1976. Document parlementaire n° 302-4/122, 1976-1977.

Volume 2. Date de novembre 1977. Déposé à la Chambre des communes le 10 février 1978. Document parlementaire n° 303-4/122, 1977-1978. Intitulé *Commission d'enquête sur les coûts du transport du grain par rail : Rapport* (Ottawa, Approvisionnement et Services Canada, 1976-1977), 2 vol., 408 p.

Commission d'enquête sur les coûts du transport du grain par rail, 1964-1978, 4,9 m (vol. 1-24)

Le 18 avril 1975, pour répondre aux demandes des gouvernements provinciaux et des producteurs de grains du Manitoba, de la Saskatchewan et de l'Alberta, le gouvernement du Canada nomma Carl Snavely président de la Commission sur les coûts du transport du grain par rail. La commission était chargée d'évaluer les méthodes de calcul des coûts et des revenus des chemins de fer, ainsi que leur applicabilité aux coûts du transport du grain selon les tarifs réglementaires, plus connus sous le nom de « taux du Nid-de-Corbeau ».

La commission devait surtout évaluer la pertinence de l'Ordonnance d'estimation des prix de revient (R-6313) et les modalités de son application. La Commission canadienne des transports, qui réglemente le transport de compétence fédérale au Canada, utilisait ce système depuis 1969 pour calculer le coût du transport ferroviaire des céréales réglementaires et pour déterminer le montant des subventions versées aux compagnies ferroviaires lors de pertes encourues pour le transport des grains.

Les « céréales à taux statutaires », définies dans les articles 271 et 414 de la *Loi sur les chemins de fer* (S.R.C., 1970, ch. R-2), incluent tous les grains et la plupart des produits céréaliers provenant de l'ouest de Thunder Bay et destinés à l'exportation par les ports de Thunder Bay, de Churchill ou de la côte ouest.

Non content d'examiner l'Ordonnance d'estimation des prix de revient, le commissaire Snavely effectua une analyse, fondée sur les chiffres de l'année civile 1974, pour déterminer le coût du transport ferroviaire d'un boisseau de grain au tarif réglementaire.

Il détermina également une série de « profils de coûts » pour diverses catégories de lignes de chemin de fer des Prairies, qui servirent à calculer le coût du transport céréaliier dans certains secteurs en particulier.

Même si les chemins de fer perdaient de l'argent en transportant du grain selon les tarifs réglementaires, Snavely ne considérait pas comme relevant de son mandat de déterminer, d'une part, le niveau tarifaire approprié pour le transport des céréales à taux statutaires; d'autre part, un mode de dédommagement des chemins de fer pour tout manque à gagner éventuel causé par la situation contemporaine; ou, enfin, la capacité des expéditeurs de céréales réglementaires à payer soit le tarif actuel soit quelque autre tarif.

Après tout, les coûts et revenus associés au transport du grain résultaient des tarifs fixés par le gouvernement du Canada. Il revenait au Parlement de décider si les tarifs devaient être modifiés ou non.

Finalement, le ministre du Travail se déclara prêt à s'occuper du conflit et, le 24 mars 1941, il nomma une commission présidée par William H. Furlong pour faire enquête et rapport dans cette affaire (*Labour Gazette*, décembre 1940, p. 1243 et mars 1941, p. 209; et rapport de William H. Furlong sur le conflit de travail à la société Chrysler).

Les audiences eurent lieu à Windsor du 28 avril au 21 mai et le 31 mai. D'autres audiences se déroulèrent les 12 et 24 juin et le 21 août 1941.

Décret du conseil C.P. 2053, 24 mars 1941, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1927, ch. 99) et sur la recommandation du ministre du Travail.

Texte réglementaire :

Faire enquête et rapport sur le conflit de travail à l'usine de la société Chrysler Canada à Windsor, impliquant directement environ 60 opérateurs de machines, assembleurs et ouvriers de précision travaillant à la fabrication et à l'assemblage de moteurs et appartenant à la section locale 195 des Travailleurs unis de l'automobile et sur toute autre question ou circonstance reliée à ce conflit.

Mandat :

William H. Furlong.

Commissaire :

Comptes rendus d'audiences, exemplaire du rapport de la commission et commentaires des Travailleurs unis de l'automobile relativement à ce rapport. Ces documents ont été copiés à partir des documents personnels de J.L. Cohen (Archives nationales du Canada, documents personnels de J.L. Cohen, MG 30, A94, vol. 25, dossier 2858). À l'époque de l'enquête, Cohen était conseiller des Travailleurs unis de l'automobile.

Il n'existe pas d'instrument de recherche pour ces documents.

Rapport :

Date du 10 septembre 1941. N'a pas été déposé à la Chambre des communes. Les archives de la commission renferment un document photocopie intitulé « In the Matter of an Industrial Dispute in November, 1940, at the Windsor Plant of Chrysler Corporation of Canada Limited, involving approximately 60 former employees, members of local 195, United Automobile Workers of America », 8 p.

Titre :

Commission chargée d'enquêter sur le conflit de travail à l'usine de Windsor de la société Chrysler Canada, 1941, O,1 m (vol.1)

Historique :

En novembre 1940, la société Chrysler Canada Ltd. de Windsor (Ontario) équipa certains de ses nouveaux véhicules à moteur d'une transmission hydraulique. Cette innovation nécessitait un nouvel équipement et un nouveau mode d'assemblage et ces activités relevaient du département des vilebrequins n° 95. Les hommes qui travaillaient à l'assemblage des transmissions hydrauliques étaient déjà employés au département n° 95, à l'exception de M. William Patchall, qui fut transféré d'une autre section de l'usine.

À midi, le 7 novembre 1940, une pétition de protestation contre le transfert de Patchall avait recueilli la signature de 54 des 61 employés que comptait le département 95. La pétition précisait, entre autres, que les employés du département 95 protestaient contre le fait qu'un nouvel ouvrier avait été introduit dans leur section pour travailler à 93 cents, alors que plusieurs ouvriers de la section, titulaires d'ancienneté, ne gagnaient que 88 cents de l'heure. Les ouvriers réclamaient que l'on remédie immédiatement à ce déplorable état de fait, n'ayant pas l'intention, disaient-ils, de tolérer ce type de discrimination.

Les employés du département 95 s'entendirent sur l'idée d'une grève dans l'éventualité où la direction ne donnerait pas suite à leur pétition. Le 8 novembre, en l'absence de toute réponse, 38 ouvriers appartenant à la section locale 195 des Travailleurs unis de l'automobile (TUA) se mirent en grève. Ils furent bientôt rejoints par 23 autres employés. Les grévistes furent mis à pied et remplacés par d'autres travailleurs, mais les TUA protestèrent contre l'injustice du procédé et réclama la réintégration des ouvriers. Lorsque des lignes de piquetage furent établies à l'usine Chrysler, un certain nombre de piqueteurs furent arrêtés et condamnés à des amendes pour avoir flâné sur les lieux ou à proximité d'installations considérées comme service essentiel en vertu des Règlements de défense du Canada. Les sympathisants des ouvriers interprétèrent cette action comme une tentative de restreindre l'activité syndicale.

Le 20 novembre, les TUA demandèrent au ministre fédéral du Travail d'établir, en vertu de la *Loi sur les relations industrielles* et sur les *enquêtes visant les différends du travail* (S.R.C., 1927, ch. 112), une commission de conciliation et d'investigation chargée d'étudier le conflit. Le ministre ne voulait pas passer à l'action sans une demande officielle exposant les problèmes, parce que la nécessité d'établir une telle commission n'était pas évidente. Une demande officielle fut donc remplie ultérieurement et, en mars 1941, la *Gazette du travail* indiquait que les requérants demandaient la réinstallation des employés injustement mis à pied et l'établissement, par la négociation collective, d'un système d'examen des griefs pour traiter les futurs conflits.

Publications :

« Symposium on the Report of the Royal Commission on Financial Management and Accountability », *Canadian Public Administration*, hiver 1979.

Bureau du Conseil privé, *Mémoires présentés à la Commission royale sur la gestion financière et l'imputabilité* (Approvisionnements et Services Canada, 1979, documents de base préparés pour la commission).

ainsi que sur les structures, l'organisation et les procédures interministérielles qui entrent en jeu et, en particulier :

- a) l'élaboration, la promulgation et l'application de la politique de gestion financière énoncée par les organismes centraux, ainsi que des règlements et lignes directrices s'y rapportant;
- b) les procédures visant à assurer que les modifications de cette politique ou de ces règlements et lignes directrices qui s'imposent seront décelées, et que cette politique ainsi que ces règlements et lignes directrices seront appliqués;
- c) les procédures et systèmes requis pour que l'imputabilité de la gestion des ministères et autres émanations fédérales à l'endroit du gouvernement et, s'il y a lieu, à l'endroit du Parlement soient efficaces, et
- d) les structures à mettre en place au sein des organismes centraux, des ministères et des autres émanations de la Couronne pour atteindre les objectifs susmentionnés.

Commissaires :

Allen Thomas Lambert, président; John Edwin Hodggets; Oliver Gerald Stoner et H. Marcel Caron. Caron démissionna et fut remplacé dans ses fonctions de commissaire par Robert Després (voir décret du conseil C.P. 3322, 24 décembre 1976).

Secrétaire :

John Rayner.

Documents :

Études, documents de travail, versions provisoires et un exemplaire du rapport de la commission, mémoires, questionnaires et dossiers de liaison avec des sous-ministres, des chefs de sociétés d'État et des fonctionnaires supérieurs.

Voir l'instrument de recherche 33/122-117.

Autres documents :

Archives nationales du Canada, Commission royale sur la gestion financière et l'imputabilité. Documents audio-visuels. Bandes et cassettes sonores, interviews relatives au travail de la commission, 1977-1979, environ 1 heure, n° d'acquisition 1979-0178.

Rapports :

Rapport provisoire. Date du 29 novembre 1977. Déposé à la Chambre des communes le 16 décembre 1978. Document parlementaire n° 303-4/121, 1977-1978. Intitulé *Commission royale sur la gestion financière et l'imputabilité. Rapport intermédiaire*, novembre 1977 (Ottawa, Approvisionnements et Services Canada, 1977), x, 49 p.

Rapport final. Date de mars 1979. N'a pas été déposé à la Chambre des communes. Intitulé *Commission royale sur la gestion financière et l'imputabilité. Rapport final*, mars 1979 (Hull, Approvisionnements et Services Canada, 1979), x, 646 p.

Réticent à se soumettre immédiatement à la recommandation de Macdonell et à nommer un contrôleur général, le gouvernement du Canada décida de nommer une commission royale d'enquête sur la gestion financière et l'imputabilité. Comme le soulignait Andras, la nomination d'un contrôleur général remettait en question non seulement des aspects fondamentaux de l'organisation du gouvernement, mais aussi certains des principes de base de notre système parlementaire. Selon Hartle, le gouvernement tenait à ce que la responsabilité finale du contrôle financier soit confiée au Parlement et à lui seul. Or, ce système ne pouvait être sauvegardé que si le principe de responsabilité collective et individuelle des ministres devant le Parlement était maintenu (*Globe and Mail* de Toronto, 23 novembre 1976; *Journal* d'Ottawa, 24 novembre 1976; Remarques du président, Allen T. Lambert, lors d'une conférence de presse sur le Rapport provisoire de la Commission royale sur la gestion financière et l'imputabilité, 16 décembre 1977; Douglas G. Hartle, « The Report of the Royal Commission on Financial Management and Accountability (The Lambert Report) : A Review », *Canadian Public Policy*, vol. 3 (été 1979), p. 366-382; Donald J. Savoie, *The Politics of Public Spending in Canada*, Toronto, University of Toronto Press, 1990, p. 109-114 et p. 127-132; et Communiqué de presse, Conseil du Trésor, 22 novembre 1976).

Il n'y eut aucune audience publique, mais la commission rencontra plus de 400 personnes, en particulier des responsables clés de la gestion financière au niveau fédéral tels que des sous-ministres, des sous-ministres adjoints, des directeurs de sociétés d'Etat, le vérificateur général et son personnel, des directeurs généraux et des directeurs, des cadres supérieurs, des ministres, des députés et des sénateurs. La commission rencontra également des dirigeants de gouvernements provinciaux, des cadres supérieurs des gouvernements britannique, français et américain, ainsi que plusieurs groupes du secteur privé au Canada. La commission reçut 36 mémoires.

Texte réglementaire :

Décret du conseil C.P. 2884, 22 novembre 1976, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre. Modifié par les décrets du conseil C.P. 3322, 24 décembre 1976 et C.P. 45, 13 janvier 1979.

Mandat :

Faire enquête et rapport sur le système de gestion requis dans les domaines connexes suivants :

- i) la gestion et le contrôle financiers,
- ii) l'imputabilité des sous-ministres et des chefs de sociétés de la Couronne en ce qui a trait à l'administration de leurs secteurs d'opérations, et
- iii) l'évaluation de la performance administrative des sous-ministres et chefs de sociétés de la Couronne,

Le 22 novembre 1976, le président du Conseil du Trésor, Robert Andras, annonçait la nomination de la Commission royale sur la gestion financière et l'imputabilité, qui avait pour mandat d'examiner la gestion des fonds publics et le contrôle financier qu'exerçait le gouvernement du Canada sur lesdits fonds. Cette annonce arrivait, faut-il s'en étonner, le jour même de la publication du rapport annuel du vérificateur général pour l'année 1975-1976, lequel critiquait les dépenses et le manque de responsabilité du gouvernement. J.J. Macdonnell, vérificateur général, écrivait qu'il était extrêmement préoccupé par le fait que, s'il en jugeait par les deux années examinées par le Bureau de la vérification, le Parlement et, bien évidemment, le gouvernement du même coup, avaient perdu ou étaient sur le point de perdre le contrôle du Trésor public. Il ajoutait qu'au sein du gouvernement canadien, la gestion et le contrôle financiers étaient tout à fait inadéquats et qu'il en serait ainsi tant que le gouvernement ne prendrait pas des mesures rigoureuses, judiciaires et efficaces pour redresser cette situation extrêmement critique.

L'analyste financier Douglas Hartle imputait partiellement l'absence de contrôle financier du gouvernement sur les dépenses et les fonds publics à la mise en oeuvre des recommandations contenues dans le rapport de la Commission royale de 1962-1963 sur l'organisation du gouvernement, dont avait résulté une décentralisation de l'administration financière et l'abolition du poste de contrôleur du Trésor. Hartle affirmait qu'une des ironies du sort était que la perte du contrôle financier, dans le sens étroit mis de l'avant par Macdonnell, découlait en grande partie de la mise en oeuvre des recommandations de la Commission Glassco qui préconisait d'éliminer le contrôle des finances et du personnel par un organisme central. Hartle rappelait la phrase de Glassco : « Laissons les gestionnaires gérer », et ajoutait que les administrateurs généraux s'étaient vu confier progressivement beaucoup de liberté d'action. Malheureusement, ce que Glassco et les autres responsables de cette mise en oeuvre avaient oublié, c'est que la délégation d'autorité non accompagnée de la responsabilité (lire l'imputabilité) qui va de pair est le plus court chemin vers la catastrophe. L'imputabilité exige l'existence de mécanismes de contrôle permettant de vérifier si la liberté d'action a été exercée à bon escient.

Dans son rapport annuel de 1975-1976, le vérificateur général formulait plusieurs recommandations visant à accroître le contrôle du gouvernement sur les dépenses, et, en particulier, la réorganisation du secrétariat du Conseil du Trésor par la nomination d'un contrôleur général. En d'autres mots un administrateur au rang de sous-ministre pour jouer le rôle d'agent financier en chef pour le gouvernement du Canada.

Rapports :

Rapport provisoire. Daté du 23 juin 1977. Déposé à la Chambre des communes le 8 juillet 1977. Document parlementaire n° 302-4/125, 1976-1977. Intitulé *Rapport intérimaire. Commission d'enquête sur le bilinguisme dans les services de contrôle de la circulation aérienne au Québec*, 23 juin 1977 (Ottawa, Approvisionnement et Services Canada, 1977), vii, 142 p.

Rapport final. Daté du 10 août 1979. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport final. Commission d'enquête sur le bilinguisme dans les services de contrôle de la circulation aérienne au Québec*, 10 août 1979 (Ottawa, Approvisionnement et Services Canada, 1979), 329 p.

b) la documentation requise concernant les différentes procédures élaborées, en vue de faciliter l'évaluation de ces procédures;

c) le déroulement détaillé des études effectuées par le ministère des Transports ainsi que la participation qu'y ont apportée les représentants des associations et de l'industrie aéronautique en exerçant au besoin un contrôle, par l'intermédiaire de conseillers techniques spécialement nommés si nécessaire, et au moyen de recommandations provisoires faites au ministère des Transports, aux associations de l'aviation et à l'industrie aéronautique;

d) les procédures pour les vols aux instruments mises au point à la suite de ces études, ainsi que les opérations de vol à vue dans les zones terminales de Dorval et de Mirabel et dans la zone de contrôle de Saint-Hubert, quant à la pertinence des méthodes utilisées dans l'élaboration et la vérification des procédures et à leurs répercussions éventuelles sur la sécurité de l'aviation, les coûts de mise en oeuvre et l'efficacité d'exploitation; et

e) les questions pertinentes pouvant être soulevées au cours de l'enquête et qui, de l'avis des commissaires, doivent figurer dans le rapport.

Commissaires :

William Robert Sinclair, Julien Honoré Chouinard et Darrel Verner

Secrétaires :

J. Marcel Richard et O.F. Plouffe.

Documents :

Comptes rendus d'audiences, mémoires, pièces à conviction, coupures de presse et commentaires relatifs aux rapports sur les études de simulation de communications bilingues pour les vols aux instruments.

Voir l'instrument de recherche 33/121-116.

Autres documents :

Archives nationales du Canada, Commission d'enquête sur le bilinguisme dans les services de contrôle de la circulation aérienne au Québec. Documents audio-visuels. Cassettes sonores, documentaire sur la formation des contrôleurs de la circulation aérienne au Centre de simulation, Transports Canada, 1976, environ 30 mn, n° d'acquisition 1979-0152.

Archives nationales du Canada, Commission d'enquête sur le bilinguisme dans les services de contrôle de la circulation aérienne au Québec. Documents cartographiques et architecturaux. RG 33, M121, n° d'acquisition 79003/27, 13 documents consistant en cartes de radionavigation, cartes aéronautiques et en une maquette de la zone de contrôle-radar de Montréal.

l'entente du 28 juin. Craignant que la grève se poursuive, le premier ministre Trudeau les persuada de l'accepter, mais Jean Marchand, ministre de l'Environnement et ancien ministre des Transports, démissionna. Il ne fait pas de doute que cette crise rassembla les francophones, parce que, tout au long de cette lutte sur les droits linguistiques, plusieurs Anglo-Canadiens se montrèrent très critiques à l'égard du programme de bilinguisme et exprimèrent des sentiments fortement anti-français. Comme l'écrivait la *Canadian Annual Review*, tous ceux qui ont vécu cette crise ne pouvaient échapper à la conclusion que l'opinion publique canadienne, telle qu'elle s'exprimait entre les lignes des éditoriaux, dans le flot de lettres envoyées aux rédacteurs de presse et aux députés, dans les émissions de ligne ouverte et dans les rues, était fondamentalement critique à l'égard du bilinguisme, sinon carrément hostile au français, et qu'elle appuyait les pilotes, non pas tant parce qu'elle comprenait l'argument de la sécurité, mais parce que ceux-ci prenaient position sur une question fondamentale (*Canadian Annual Review*, 1976, p. 54-83 et coupures de presse, RG 33/121, vol. 24-29).

La commission tint ses audiences à Montréal du 10 janvier au 25 mars 1977 et du 5 février au 5 avril 1979. Elle reçut 38 mémoires et 363 pièces à conviction.

Dans le cadre de cette enquête, les commissaires, les membres de leur personnel ou des conseillers techniques mandatés par la commission visitèrent des centres de contrôle de la circulation aérienne et des installations terrestres dans les aéroports de divers pays, dont les États-Unis, le Japon, le Brésil, le Mexique, l'Italie, la Suisse, l'Allemagne, la France, la Belgique et les Pays-Bas.

Texte réglementaire :

Décret du conseil, C.P. 1576, 23 juin 1976 (révoqué par le décret C.P. 1588 du 28 juin 1976) en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Transports. Modifié par le décret C.P. 2251, 14 septembre 1976 et par le décret C.P. 1265, 12 avril 1979.

Mandat :

Faire enquête sur la sécurité de l'introduction du bilinguisme dans les services de contrôle des vols aux instruments au Québec, et faire rapport sur les répercussions éventuelles sur la sécurité aérienne, les coûts de mise en oeuvre et l'efficacité d'exploitation, ainsi que sur les procédures (et leur méthode d'élaboration) mises au point par le ministère des Transports en collaboration avec les associations de l'aviation et l'industrie aéronautique, et ainsi que sur toute autre question pouvant influencer sur l'adoption graduelle du bilinguisme dans les services de contrôle de la circulation aérienne au Québec, et plus particulièrement sur :

- a) les paramètres de l'étude de procédures que doit effectuer le ministère des Transports grâce à un simulateur électronique de contrôle de la circulation aérienne;

Bien que le gouvernement du Canada ait accepté de revoir le mandat de l'enquête pour le rendre plus acceptable aux contrôleurs et aux pilotes, l'ACAD ne pouvait admettre la nomination de Keenan aux fonctions de commissaire, parce qu'il avait été conseiller de la CALPA. Keenan démissionna donc le 7 juin, mais, une fois encore, la CATCA vota en faveur d'une grève nationale. Malgré une injonction du tribunal ordonnant aux contrôleurs de rester au travail, une grève spontanée eut lieu le 20 juin et, le lendemain, le trafic aérien était à toutes fins pratiques interrompu au Canada. Menacés de poursuite, les contrôleurs retournèrent au travail. Les perturbations du transport aérien se prolongèrent toutefois, la CALPA ayant demandé à ses pilotes de défier l'injonction du tribunal et de ne pas voler. De plus, plusieurs compagnies aériennes internationales, dont une dizaine de compagnies américaines, refusèrent d'atterrir au Canada.

Le 23 juin, le gouvernement du Canada annonça une nouvelle enquête publique sur la question du bilinguisme dans les services de contrôle de la circulation aérienne aux instruments dans la province de Québec. Le mandat était analogue à celui de l'enquête Keenan, mais aucune étude des coûts de mise en oeuvre n'était prévue. Après l'annonce de l'enquête, le premier ministre Trudeau demanda la cessation de la grève. Il promit qu'aucune nouvelle procédure de contrôle aérien bilingue ne serait adoptée, à moins que la commission d'enquête conclue que les normes de sécurité établies n'en seraient aucunement affectées. La majorité des membres de la CATCA et de la CALPA jugèrent le mandat de l'enquête inacceptable et, quelques jours plus tard, le décret qui l'avait instituée fut révoqué. Les syndicats se montraient méfiants à l'égard du gouvernement qui leur semblait déterminé à étendre le bilinguisme dans les communications aériennes, la sécurité dût-elle en souffrir.

Les négociations entre le ministère des Transports et les représentants de la CATCA et de la CALPA se poursuivirent. Le 28 juin, elles débouchèrent sur une entente qui mettait fin à la grève. Une fois encore le gouvernement établit une enquête publique chargée d'évaluer les procédures de communication bilingues au Québec mises au point lors de tests de simulation effectués par le ministère des Transports. L'enquête demandait aux commissaires de justifier « hors de tout doute raisonnable » que les mesures prévues pourraient être implantées en toute sécurité. Le mandat incluait aussi une clause relative aux coûts de mise en oeuvre.

De plus, le ministre des Transports et les représentants de la CATCA et de la CALPA signèrent un protocole d'entente demandant que le rapport de la commission reflète une opinion unanime, et que les recommandations soient soumises à un vote parlementaire, libre de toute discipline de parti.

Le 29 juin, la circulation aérienne au Canada revenait à la normale. La CATCA et la CALPA promirent de collaborer pleinement avec l'enquête, mais l'Association des gens de l'air du Québec, très hostile à cette entente, resta plusieurs mois sans participer. Les membres québécois du Parti libéral à Ottawa étaient également opposés à

Titre :

Commission d'enquête sur le bilinguisme dans les services de contrôle de la circulation aérienne au Québec, 1962-1979, 5,9 m (vol. 1-29)

Historique :

L'intention du gouvernement du Canada de permettre l'utilisation du français dans les communications aériennes au Québec a suscité un après conflit entre les pilotes anglophones, les pilotes francophones et les contrôleurs du trafic aérien, et a mené à une grève nationale en 1976. À partir des années 1970, le Québec se mit graduellement à exiger des contrôleurs de l'air qu'ils soient bilingues, exigence implantée définitivement dans la province en 1973. En juin 1974, le ministère des Transports autorisa l'utilisation du français, aussi bien que de l'anglais, dans les services de contrôle des vols à vue dans cinq petits aéroports du Québec : Québec, St-Jean, Baie Comau, Sept-Îles et St-Honoré. En outre, le 13 décembre 1975, le ministre des Transports, Otto Lang, confirma la détermination du gouvernement fédéral à autoriser le bilinguisme dans les services de contrôle de la circulation aérienne dans les cas de vols aux instruments et de compagnies d'aviation commerciales. Le 12 mai 1976, le bilinguisme devint la pierre d'achoppement des négociations de contrats entre les contrôleurs de la circulation aérienne et le gouvernement du Canada. À cette époque, une commission de conciliation recommanda la tenue d'une enquête publique chargée d'étudier toutes les questions de langue et de sécurité dans le contrôle aérien. Le 13 mai, le gouvernement nomma donc John T. Keenan aux fonctions de commissaire pour « faire enquête sur la sécurité de l'introduction du bilinguisme dans les services de contrôle des vols aux instruments dans la province de Québec et faire rapport sur les répercussions éventuelles sur la sécurité aérienne, les coûts de mise en œuvre et l'efficacité d'exploitation, ainsi que sur les procédures (et les méthodes qui ont présidé à leur élaboration) mises au point par le ministère des Transports en collaboration avec les associations de l'aviation et avec l'industrie aéronautique ».

La plupart des contrôleurs anglophones, représentés par l'Association canadienne du contrôle du trafic aérien (CATCA), et des pilotes, représentés par l'Association canadienne des pilotes de lignes aériennes (CALPA), s'opposaient pour des raisons de sécurité à l'introduction du français dans le contrôle de la circulation aérienne dans les vols aux instruments. De plus, les contrôleurs s'élevaient contre le mandat de la Commission Keenan, parce qu'ils voulaient que la commission examine les problèmes de sécurité pour tous les types de vol. La CATCA réussit à obtenir de ses membres un vote de grève qui devait prendre effet le 31 mai. À l'opposé, les contrôleurs et les pilotes francophones, représentés par l'Association des gens de l'air du Québec (AGAQ), soutenaient que les risques pour la sécurité avaient été exagérés et que la vraie question concernait l'utilisation du français dans les services de contrôle de la circulation aérienne aux instruments.

Ricardo Williams, *Duff : A Life in the Law*, Vancouver, University of British Columbia Press, (1984).

La commission tint ses audiences à Ottawa du 2 au 31 mars 1942 et reçut 295 mémoires.

Texte réglementaire :

Décret en conseil C.P. 1160, 12 février 1942, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1927, ch. 99) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur l'organisation, l'autorisation et la répartition du Corps expéditionnaire canadien et, sans restreindre la généralité de ce qui précède, la sélection et la composition de ce corps d'armée et l'entraînement des soldats; l'apport et l'entretien du matériel, des fournitures et des munitions et leur transport; la possibilité de quelque négligence ou erreur de jugement de la part de qui que ce soit parmi le personnel des ministères ou du gouvernement, qui avait pour responsabilité d'autoriser et d'organiser l'envoi de ce corps expéditionnaire, et qui a pu susciter des préjudices à l'expédition ou des blessures aux hommes du Corps expéditionnaire et, si une telle négligence ou erreur de jugement a eu lieu, à qui en incombe la responsabilité.

Commissaire :

Lyman Poore Duff.

Secrétaire :

W. Kenneth Campbell.

Documents :

Pièces à conviction, comptes rendus d'audiences, documents de l'avocat du gouvernement et de la commission, ébauche du rapport de la commission et documents connexes.

Voir l'instrument de recherche 33/120-115.

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14, D2, vol. 530-532, comptes rendus d'audiences et pièces à conviction de l'enquête sur Hong-Kong.

Rapport :

Date du 4 juin 1942. Déposé à la Chambre des communes le 5 juin 1942. Document parlementaire n° 302, 1942-1943. Intitulé *Dominion of Canada. Report on the Canadian Expeditionary Force to the Crown Colony of Hong Kong*, par le très honorable Sir Lyman P. Duff, G.C.M.G., commissaire en vertu du décret C.P. 1160. Ottawa, Imprimeur du Roi, 1942, 61 p.

Titre :

Commission royale chargée d'enquêter et de faire rapport sur l'organisation, l'autorisation et le départ du Corps expéditionnaire canadien pour la colonie britannique de Hong-Kong, 1940-1942, 0,6 m (vol. 1-3)

Historique :

En septembre 1941, le gouvernement du Canada acquiesça à la demande de la Grande-Bretagne d'envoyer deux bataillons d'infanterie (le Winnipeg Grenadiers et le Royal Rifles of Canada) pour renforcer la garnison dans la colonie britannique de Hong-Kong. Les Canadiens arrivèrent à Hong-Kong le 16 novembre, et, le 8 décembre, les Japonais attaquaient. Trop faibles numériquement, les défenseurs combattirent courageusement, mais le jour de Noël 1941, Hong-Kong dut se rendre. Sur un total de 1 975 Canadiens envoyés dans la colonie britannique, 557 furent tués au combat ou moururent dans les camps de prisonniers japonais au cours des quatre années suivantes.

Peu après la chute de Hong-Kong, George Drew, chef du Parti conservateur de l'Ontario, accusa le gouvernement d'avoir envoyé en Extrême-Orient des troupes mal entraînées et piètrement équipées, alors que la guerre avec le Japon était imminente. Selon Carl Vincent, autorité en la matière, ce fut l'étincelle qui mit le feu aux poudres. Selon lui, alors que les prisonniers de guerre mouraient dans les camps japonais, les politiciens canadiens commençait à s'affronter, l'opposition cherchant à se constituer un capital politique en accusant le gouvernement de négligence, allégation que le gouvernement tentait de nier ou de minimiser.

Le 21 janvier 1942, J.L. Ralston, ministre de la Défense nationale, défendit la position du gouvernement à la Chambre des communes. Il dut cependant admettre que quelques-uns des hommes envoyés à Hong-Kong avaient reçu moins de seize semaines d'entraînement et que les bataillons étaient arrivés sans aucun véhicule d'appoint. Cette révélation, et le débat politique qui s'ensuivit, força le gouvernement à agir. Les deux partis d'opposition demandèrent d'abord un comité parlementaire pour faire enquête sur les circonstances entourant l'intervention du Canada à Hong-Kong. Plus tard, le premier ministre King obtint leur accord en faveur de l'établissement d'une commission royale. Les conservateurs fédéraux dirigés par R.B. Hanson, ainsi que d'autres partisans de la conscription, voulaient étendre le mandat de la commission d'enquête pour inclure un examen de la situation des effectifs dans les forces armées, mais King refusa.

Établie le 12 février 1942, l'enquête sur Hong-Kong, présidée par le juge en chef, Lyman Duff, ne blâma pas le moins du monde le gouvernement. Les conclusions de Duff suscitérent un débat qui se poursuivit bien après la fin de la Seconde Guerre mondiale (Voir Carl Vincent, *No Reason Why: The Canadian Hong-Kong Tragedy — An Examination* Stittsville (Ontario), Canada's Wings, 1981, et David

Secrétaire :

Ada O'Reilly.

Documents :

Comptes rendus d'audiences, mémoires, études et documents d'information générale sur tous les modes de transport à Terre-Neuve et au Labrador.

Voir l'instrument de recherche 33/119-114.

Autres documents :

Archives nationales du Canada, Commission royale sur le transport à Terre-Neuve. Documents cartographiques et architecturaux. RG 33, M119, n° d'acquisition 79003/7, cartes, tableaux, graphiques et plans.

Archives nationales du Canada, Commission royale sur le transport à Terre-Neuve. Documents audio-visuels. Enregistrements sonores des audiences de la commission, dont un certain nombre de dépositions orales, 1977, environ 100 h, n° d'acquisition 1979-0091; cassettes magnétoscopiques sur la vie sociale et la culture à Terre-Neuve, comprenant un discours du ministre des Transports, Otto Lang, 1977-1978, environ 7 h 20 mn, n° d'acquisition 1979-0368.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1979-130 : Canada. Commission d'enquête sur le transport à Terre-Neuve. Environ 950 photographies de routes, ports, villes et paysages de Terre-Neuve, vers 1978.

Rapport :

Volume 1. Date de juillet 1978. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport de la Commission d'enquête sur le transport à Terre-Neuve*, juillet 1978, St. John's (T.-N.) (Ottawa, Approvisionnements et Services Canada, 1978), xiii, 287 p.

Volume 2. Date du 30 novembre 1978. N'a pas été déposé à la Chambre des communes. Intitulé *Report of the Commission of Inquiry into Newfoundland Transportation. Executive Summary* (St. John's, La Commission, 1978) xxv, 48 p.

Publications :

Le Rapport de la Commission d'enquête sur le transport à Terre-Neuve comprend une bibliographie, ainsi qu'une liste d'études réalisées par des experts-conseils. S'y ajoute une liste d'études internes préparées par la commission.

- 1) les facteurs économiques, sociaux, démographiques et géographiques à l'origine des besoins actuels et futurs en matière de transport local. La commission devra, entre autres, évaluer les projets de développement économique et industriel de chacune des régions de la province, ainsi que leurs conséquences sur les besoins en matière de services de transport;
- 2) les obligations constitutionnelles du gouvernement du Canada à l'endroit de Terre-Neuve dans le domaine des transports. La commission en étudiera la portée et les applications actuelles ainsi que la mesure selon laquelle elles peuvent influer sur la mise en oeuvre de solutions rentables;
- 3) les conditions particulières à Terre-Neuve, ainsi que les modalités et la mesure de leur influence sur les services de transport locaux;
- 4) l'efficacité et le rendement des services de transport locaux; dans ce contexte, la commission examinera et évaluera les subventions et les programmes du gouvernement reliés au domaine du transport;
- 5) le rôle particulier de chacun des moyens de transport au sein de l'ensemble des services de transport locaux et ce, conformément aux instructions énoncées ci-dessus. La commission devra faire le lien entre ses constatations et leurs conséquences à court (0-5 ans), moyen (5-10 ans) et long terme (plus de 10 ans);
- 6) le lien étroit qui existe entre les services de transport locaux et la réalisation des objectifs nationaux et régionaux en matière d'emploi et dans divers autres domaines économiques et sociaux;
- 7) les responsabilités et obligations respectives des gouvernements, transporteurs et usagers en matière de transport local, que la commission évaluera en fonction de leurs conséquences législatives, économiques, sociales et commerciales;
- 8) les conséquences pour l'ensemble du pays des solutions que la commission proposera aux divers problèmes de transport;
- 9) la commission devra, dans son enquête, utiliser les études, enquêtes et travaux antérieurs réalisés par les gouvernements, ou en leur nom, et qu'elle jugera utiles. Elle tiendra aussi compte des activités actuelles des gouvernements, sociétés de la Couronne, organismes et comités, et en mettra les fruits à profit de façon appropriée.

Commissaires :

Arthur Sullivan, président, Esau Thoms et Burford Ploughman.

inadéquats, l'hébergement sur les bateaux côtiers et sur les traversiers, insuffisant. Les installations portuaires et d'entrepôt se révélaient médiocres. Bref, il apparaissait clairement que dans bien des secteurs, les normes étaient inférieures aux niveaux minimaux acceptables au Canada.

Otto Lang, alors ministre fédéral des Transports, accepta immédiatement la suggestion de Bandeen d'une enquête sur tout le système de transport de Terre-Neuve, et consulta le premier ministre de la province, Frank Moore, et le ministre des Transports, James Morgan. Le 28 mars 1977, Lang annonça l'établissement d'une Commission royale sur les transports à Terre-Neuve et au Labrador, présidée par Arthur M. Sullivan. Celui-ci déclara qu'on lui avait confié la responsabilité d'examiner et d'évaluer tout le système de transport intérieur de Terre-Neuve et du Labrador, que cet examen devait inclure tous les modes de transport, aérien, ferroviaire, routier et maritime, desservant les besoins intérieurs de l'île et la rattachant au continent, ainsi que tous leurs aspects économiques, pratiques et sociaux. Il devait étudier dans quelle mesure la nature et la qualité des services de transport alors fournis à Terre-Neuve répondaient aux besoins présents et futurs de la province.

O. Lang demanda au Canadien National de ne pas procéder au licenciement d'employés permanents pendant la durée de l'enquête (Ministre des Transports, Communiqué de presse n° 56/77, 28 mars 1977; Commission d'enquête sur le transport à Terre-Neuve, comptes rendus d'audiences, St. John's, 19 septembre 1977 (RG 33/119, vol. 2), p. 9 et 101-107; *Rapport de la Commission d'enquête sur le transport à Terre-Neuve*, vol. 1, juillet 1978 [Ottawa, Approvisionnements et Services Canada, 1978], p. 11-28; et *CN in Newfoundland : President's Statement*, 2 décembre 1976, fourni par le Service des relations publiques et de la publicité du Canadien National, Montréal).

La commission tint ses audiences du 19 septembre au 14 novembre 1977 à St. John's, Milltown, Buchans, Burnt Berry Motel (sur la route transcanadienne), Gander, St. Anthony, Port-aux-Choix, Carbonear, Marystown, Goose Bay/Happy Valley, Labrador City/Wabush, Clarenville, Deer Lake, Corner Brook, Stephenville et Port-aux-Basques. Elle reçut 126 mémoires.

Décret en conseil C.P. 816, 24 mars 1977, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Transports.

Mandat :

Faire enquête et rapport sur tous les aspects du transport et des services de transport à Terre-Neuve, dont les services de marchandises et de voyageurs, et identifier les niveaux de qualité du transport, y compris le choix des modes, propres à satisfaire de façon efficace et rentable les besoins de Terre-Neuve et de sa population. Les commissaires devront plus particulièrement faire enquête sur :

Texte réglementaire :

Titre :

Commission d'enquête sur le transport à Terre-Neuve, 1972-1978, 5,7 m (vol. 1-28)

Historique :

Selon W.H. Butt de la Division 135 (région de Terre-Neuve) de la Fraternité des commis de chemins de fer, de lignes aériennes et de navigation, des manutentionnaires de fret, employés de messageries et de gare, la Commission d'enquête sur le transport à Terre-Neuve est née des pressions des employés du Canadien National qui craignaient l'interruption du service de transport des marchandises dans la province. Le syndicat fit des démarches relativement à cette question auprès du gouvernement fédéral et de la province et pressa le Canadien National de prendre position.

Subséquentement, le 2 décembre 1976, Robert Bandeen, président du Canadien National, se rendit dans la province pour expliquer la position de la compagnie. R. Bandeen recommanda la tenue d'une enquête, non seulement sur les activités du Canadien National à Terre-Neuve, mais sur tous les modes de transport dans la province. Bandeen souligna la situation financière difficile de la compagnie ferroviaire, puis déclara qu'on ne pouvait espérer maintenir le fonctionnement du transport ferroviaire à Terre-Neuve que grâce à une formule mixte de subventions et de revenus, analogue à celle dont bénéficiaient déjà les services maritimes du CN. Selon R. Bandeen, les divers moyens de transport de Terre-Neuve étaient étroitement liés et aucun d'eux ne devait être étudié isolément.

À l'époque du discours de Bandeen, les services de transport fournis aux habitants de Terre-Neuve et du Labrador étaient tout à fait inadéquats. Selon le *Rapport de la Commission d'enquête sur le transport à Terre-Neuve*, près de la moitié de l'ensemble des grandes routes de la province n'étaient pas goudronnées et, à Terre-Neuve, ces routes étaient en très mauvais état pendant une bonne partie de l'année. La route principale traversant l'île, la Transcanadienne, avait été construite selon des normes minimales. L'augmentation de la circulation des poids lourds au cours des dix années précédentes l'avait détériorée rapidement et elle avait besoin d'importantes réparations sur toute sa longueur. La côte sud-ouest de l'île, entre Bay d'Espoir et Rose Blanche, dépendait encore totalement du transport maritime. Les principales villes de l'ouest du Labrador ne disposaient d'aucun accès routier au reste du Canada. La côte du Labrador dépendait entièrement d'un service de cabotage insatisfaisant, qui, du fait de la glace, ne pouvait offrir plus de quatre mois par année de service ininterrompu. Les huit autres mois, les habitants de la région devaient se rabattre sur un service aérien qui, faute de pistes d'atterrissage, était au mieux intermittent et imprévisible.

Toujours selon le rapport, le service de transport ferroviaire des marchandises, bien que considérablement amélioré au cours des dernières années, souffrait encore d'inefficacité à cause de la structure d'investissement et demeurait encore très coûteux malgré les subventions. Les services de transport des voyageurs étaient

Rapports :

membres de la Commission de l'unité canadienne, 1977-1978.

Date de janvier 1979. Déposé à la Chambre des communes le 25 janvier 1979. Document parlementaire n° 304-4/144, 1978-1979. Intitulé *La Commission de l'unité canadienne. Se retrouver : observations et recommandations*, janvier 1979 (Ottawa, Services Canada, 1979), 160 p.

Date de février 1979. N'a pas été déposé à la Chambre des communes. Intitulé *La Commission de l'unité canadienne. Définir pour choisir : vocabulaire du débat*, février 1979 (Ottawa, Services Canada, 1979), viii, 125 p.

Date de mars 1979. Déposé à la Chambre des communes le 21 mars 1979. Document parlementaire n° 304-4/144A, 1978-1979. Intitulé *La Commission de l'unité canadienne. Un temps pour parler : les commentaires du public*, mars 1979 (Ottawa, Services Canada, 1979), ix, 343 p.

Texte réglementaire :

Décret en conseil C.P. 1910, 5 juillet 1977, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat :

Faire enquête sur les questions touchant l'unité canadienne. Dans le cours de leur enquête, les commissaires devront

a) tenir des audiences publiques et parrainer des réunions publiques afin de connaître les points de vue des organismes, groupements et particuliers intéressés;

b) appuyer, encourager et faire connaître les efforts du grand public et particulièrement ceux des organismes non gouvernementaux, en ce qui a trait à l'unité canadienne;

c) partager leurs initiatives et opinions avec le public afin de le tenir au courant et de le sensibiliser aux questions touchant l'unité canadienne;

d) aider à l'élaboration de moyens visant à renforcer l'unité canadienne et agir comme conseillers du gouvernement sur les questions reliées à celle de l'unité; et

e) faire enquête sur toutes autres questions relatives à l'unité nationale qui peuvent être confiées à la commission.

Commissaires :

À l'origine, les commissaires étaient : Jean-Luc Pépin et John Parmenter Roberts, coprésidents; Richard Cashin, Muriel Kovitz, Ross Marks et John Evans. Solange Chaput-Rolland et Gérald Beaudoin furent nommés commissaires en août 1977. John Evans démissionna au début de 1978 et fut remplacé par Ronald L. Watts (voir les décrets en conseil C.P. 2361 et C.P. 2362, 24 août 1977 et C.P. 573, 28 février 1978).

Secrétaire :

Ratna Ray.

Documents :

Résumés des audiences, mémoires, documents d'information, études et documents de travail, allocutions, procès-verbaux de réunions, ébauches des rapports de la commission et coupures de presse.

Voir l'instrument de recherche 33/118-113.

Autres documents :

Archives nationales du Canada, Commission de l'unité canadienne. Documents audio-visuels. Enregistrements sonores sur bandes magnétiques et cassettes des audiences publiques et privées tenues partout au Canada, 1977-1979, environ 541 h, n° d'acquisition 1979-0090; et cassettes magnétoscopiques de la Conférence sur l'avenir du fédéralisme canadien et documents connexes, 1977, environ 6 h, n° d'acquisition 1979-0205.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1979-229 : Canada. Commission de l'unité canadienne. Un total de 304 photographies des activités et des

Commission de l'unité canadienne, 1976-1979, 6,3 m (vol. 1-33; aussi n° d'acquisition 1992-93/270, 1,5 m, boîtes 1-5)

Dès le 30 avril 1977, le *Citizen* d'Ottawa annonçait que le gouvernement du Canada avait l'intention de former un comité consultatif spécial sur l'unité nationale. Selon le *Hansard* du 5 juillet 1977, l'accession au pouvoir du Parti québécois, parti préconisant la séparation du Québec de la Confédération, joua sans doute un rôle important dans la décision du gouvernement. Dans leur rapport, les commissaires de ce qu'on allait appeler la Commission de l'unité canadienne observaient qu'il ne fallait pas chercher l'origine de la commission ailleurs que dans l'élection du Parti québécois à la tête du Québec le 15 novembre 1976. Cette victoire électorale représentait l'aboutissement d'un long processus historique et le début d'une nouvelle ère dans la vie du Canada. Toujours selon les commissaires, l'histoire canadienne avait déjà connu des gouvernements provinciaux opposés à la Confédération, mais jamais auparavant l'indépendance de la province n'avait été recherchée de façon aussi délibérée que le faisaient les chefs du Parti québécois. Pour la première fois depuis sa création en 1867, l'union politique du Canada faisait face à une véritable possibilité de sécession de l'une de ses plus grandes provinces.

Le premier ministre Trudeau établit officiellement la commission lors d'un débat sur l'unité nationale à la Chambre des communes, au cours duquel il mit l'accent sur la politique linguistique du gouvernement. Fondamentalement, la commission devait encourager les organismes non gouvernementaux désireux de promouvoir l'unité canadienne et conseiller le gouvernement sur les questions d'unité nationale. Elle devait, en particulier, constituer une tribune où seraient discutés les problèmes d'unité nationale et la constitution canadienne. Le premier ministre déclarait au Parlement que le gouvernement du Canada envisagerait volontiers, de concert avec le peuple canadien, la possibilité d'apporter des modifications en profondeur à sa direction, aux institutions fédérales et à la Constitution.

La commission fut coprésidée par Jean-Luc Pépin, ancien ministre fédéral du Cabinet libéral et John Roberts, ancien premier ministre conservateur de l'Ontario (voir *La Commission de l'unité canadienne. Se retrouver : observations et recommandations*, janvier 1979 [Ottawa, Approvisionnements et Services Canada, 1979], p. 11-17 et *Chambre des communes, Debates*, 5 juillet 1977, p. 7311-7352).

La commission tint ses audiences du 22 septembre 1977 au 7 avril 1978 à St. John's (T.-N.), Moncton, Halifax, Charlottetown, Québec, Montréal, Ottawa, Toronto, Winnipeg, Regina, Calgary, Edmonton et Vancouver. En outre, un certain nombre de réunions régionales et privées furent organisées. La commission reçut environ 900 mémoires.

Documents :

Dossiers chronologiques, dossiers relatifs à des sociétés et firmes, rapports, études réalisées au Canada et aux États-Unis sur l'industrie automobile nord-américaine et documents connexes.

Voir l'instrument de recherche 33/117-112.

Rapport :

Date d'octobre 1978. Déposé à la Chambre des communes le 23 novembre 1978. Document parlementaire n° 304-4/105, 1978-1979. Intitule *L'industrie canadienne de l'automobile. Performance et propositions en vue de son développement. Enquête sur l'industrie de l'automobile*. Simon Reisman, commissaire, octobre 1978 (Ottawa, Approvisionnement et Services Canada, 1978), xvi, 293 p.

243; et Canada. Sénat. *Relations Canada-États-Unis, Relations commerciales du Canada avec les États-Unis*. Comité sénatorial permanent des Affaires extérieures [Imprimeur de la Reine, Ottawa, 1978] vol. II, p. 104).

Il n'y eut aucune audience publique. Des consultations et des réunions eurent lieu avec des sociétés, des organismes et les gouvernements concernés par l'industrie automobile. En outre, des organismes et des particuliers intéressés à participer envoyèrent des mémoires et prirent part à des réunions.

Texte réglementaire :

Décret en conseil C.P. 1996, 20 juin 1978, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1970, ch. I-13) et sur la recommandation du ministre de l'Industrie et du Commerce.

Faire enquête et rapport sur les moyens d'assurer l'essor au Canada d'une industrie automobile compétitive sur les marchés internationaux, et ce en tenant compte :

- a) de la situation et de la structure de l'industrie automobile canadienne à l'heure actuelle, y compris des constructeurs de véhicules automobiles, des fabricants indépendants de pièces et des fabricants de véhicules étrangers qui ont une place sur le marché canadien;
- b) des facteurs influant sur l'essor de l'industrie et ses perspectives d'avenir, notamment l'importance de la propriété étrangère, les aspects administratifs, l'activité de recherche et de développement au Canada, les besoins et la disponibilité des ressources financières, ainsi que des facteurs influant sur les modèles d'investissement et d'emploi dans l'industrie automobile au Canada;
- c) des aspects régionaux du développement de l'industrie automobile canadienne;
- d) des relations entre l'industrie canadienne et l'industrie américaine, notamment des arrangements conclus en vertu de l'accord canado-américain sur les produits automobiles, et des autres arrangements;
- e) des relations entre l'industrie au Canada et les producteurs étrangers; et
- f) des principes internationaux de conduite en matière de commerce, publiés par le gouvernement en juillet 1975.

Commissaire :

S. Simon Reisman.

Secrétaire :

Gena Freeman.

Au milieu des années 1970, l'industrie automobile nord-américaine commença à fabriquer des véhicules motorisés plus petits, plus légers, plus sûrs et consommant moins de carburant. Cette nouvelle production découlait en partie des préoccupations des gouvernements canadien et américain en matière d'énergie, d'environnement et de sécurité. Elle reflétait aussi la nécessité pour l'industrie automobile de soutenir la concurrence des fabricants asiatiques et européens qui proposaient leurs petites voitures aux consommateurs d'Amérique du Nord. Les « trois grands », comme on appelait Ford, Chrysler et General Motors, réalisèrent qu'ils devaient faire d'importants investissements pour moderniser leurs installations et pour construire de nouvelles usines. En juin 1978, Jack Horner, ministre canadien de l'industrie et du Commerce, révéla que l'industrie automobile d'Amérique du Nord allait dépenser autour de soixante milliards au cours des cinq ou dix prochaines années. Il prévoyait qu'un montant assez considérable serait dépensé au Canada. Le Comité sénatorial des Affaires extérieures résuait la situation en affirmant qu'au début de 1978, le gouvernement canadien semblait prêt à prendre des mesures internes pour stimuler l'industrie des pièces d'automobile et que, vers le milieu de l'année, certains indices indiquaient que les fabricants d'automobiles planifiaient de nouveaux investissements au Canada, mais négociaient pour obtenir les mesures incitatives les plus rentables pour l'implantation d'une usine.

Horner discuta de la nouvelle production avec les trois principaux manufacturiers d'automobiles et, plus particulièrement, de la situation géographique au Canada des nouvelles usines de pièces détachées. Ces discussions ne menèrent toutefois à rien. Par la suite, Horner annonça, le 16 juin 1978, que Simon Reisman examinerait tous les aspects de l'industrie dans l'optique de la mise sur pied d'une industrie canadienne de l'automobile compétitive sur le marché international.

En sa qualité de président de l'enquête sur l'industrie automobile, Reisman devait traiter un certain nombre de questions litigieuses, dont l'énorme déficit accumulé par le commerce des pièces d'automobile avec les États-Unis. Selon Reisman, les plaintes se faisaient de plus en plus nombreuses parce que le Canada n'obtenait pas sa « juste part » de la production automobile en général, de la production des pièces détachées, de l'investissement, de l'emploi, et de la recherche et du développement, compte tenu du marché qu'il offrait aux véhicules nord-américains (voir le communiqué de presse, ministère de l'Industrie et du Commerce, Ottawa, 16 juin 1978, dans RG 33/112, vol. 1, dossier 10P/295-5; Chambre des communes, *Débates*, 16 juin 1978, p. 6478; *L'Industrie canadienne de l'automobile. Performance et propositions en vue de son développement. Enquête sur l'industrie de l'automobile* [Ottawa, Approvisionnement et Services Canada, 1978] p. 44-47 et p. 237-297

l'Enquête sur les ports pétroliers de la côte ouest ne serait pas prolongée et qu'elle aurait à terminer ses travaux le 31 mars 1978 (RG 33/116, vol. 23, dossier intitulé « Compte rendu des travaux et rapport final », 6 p).

ii) la sécurité nautique et des sujets connexes reliés à l'établissement d'une route de pétroliers et à la construction d'un terminal maritime à Kitimat (C.-B.);

iii) les questions et problèmes plus vastes reliés aux mouvements de pétroliers sur la côte ouest par suite des propositions de Kitimat Pipeline Ltd, de la Trans Mountain Pipeline Company et d'autres propositions.

b) Faire rapport sur les représentations qui lui seront faites au sujet des modalités à imposer, advenant l'autorisation d'établir un terminal maritime à Kitimat, quant aux dimensions, à la construction et à l'exploitation dudit terminal et des pétroliers naviguant dans son voisinage.

Commissaire : Andrew R. Thompson.

Secrétaire : Lori M. Lewis.

Documents : Comptes rendus d'audiences, pièces à conviction, dossiers de recherche, coupures de presse, dossiers de l'avocat, dossiers des participants, dossiers relatifs à la création et au fonctionnement de l'enquête, dossiers traitant de diverses étapes de ses travaux et documents connexes.

Voir l'instrument de recherche 33/116-110.

Autres documents : Archives nationales du Canada, Archives de l'Enquête sur les ports pétroliers de la Côte Ouest, Documents cartographiques et architecturaux. RG 33, M116, n° d'acquisition 78903/12, 23 tableaux, cartes et dessins.

Archives nationales du Canada, Archives de l'Enquête sur les ports pétroliers de la Côte Ouest, Documents audio-visuels, Article c-29, cassette magnétoscopique d'une conférence de R. Pitre, H. Cochrane et R. Johnston à Sooke (C.-B.), n° d'acquisition 1978-0242.

Rapports :

Rapport provisoire. Date de décembre 1977. N'a pas été déposé à la Chambre des communes. Intitulé *Interim Submission of Commission Counsel, West Coast Oil Ports Inquiry*. Commissaire Andrew R. Thompson, décembre 1977 [Vancouver, Enquête sur les ports pétroliers de la Côte Ouest, 1977] iii, 165 p.

Compte rendu des travaux. Date du 23 février 1978. N'a pas été déposé à la Chambre des communes. Intitulé *Enquête sur les ports pétroliers de la Côte Ouest. Compte rendu des travaux*, février 1978 (Vancouver, La Commission, 1978), 211 p.

Rapport final. Date du 30 mars 1978. N'a pas été déposé à la Chambre des communes et n'a pas été imprimé. Lettres de Andrew R. Thompson, commissaire, à l'honorable Roméo LeBlanc, ministre des Pêcheries et de l'Environnement, et à l'honorable Otto Lang, ministre des Transports, expliquant la décision du gouvernement voulant que

Texte réglementaire :

a) Faire enquête et rapport sur

- i) les incidences sociales et environnementales (y compris les répercussions sur les pêches) que pourraient entraîner pour la région l'établissement d'une route de pétroliers et la construction d'un terminal maritime (port pétrolier en eaux profondes) à Kitimat (C.-B.);

Décret en conseil C.P. 597, 10 mars 1977, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Pêcheries et de l'Environnement et du ministre des Transports. Modifié par les décrets suivants : C.P. 1890, 30 juin 1977; C.P. 2149, 28 juillet 1977; et C.P. 3687, 22 décembre 1977.

La commission tint ses audiences à Vancouver du 18 au 20 juillet, du 26 septembre au 4 novembre et du 13 au 15 décembre 1977. En outre, la collectivité fut entendue les 22-23 juillet à Namu et du 17 octobre au 26 novembre à Mount Currie, Lillooet, Steveston et Sooke. Vinrent témoigner des personnes et des groupes versés dans l'économie, l'environnement, les conditions sociales et écologiques.

L'Enquête sur les ports pétroliers de la Côte Ouest fut établie en mars 1977 pour étudier tout spécialement la proposition de Kitimat. Son mandat fut ultérieurement étendu à l'examen du projet de Trans Mountain et à toute autre proposition, mais elle dut mettre un terme à ses travaux le 31 mars 1978. Le 23 février 1978, le gouvernement du Canada concluait qu'il ne voyait pas la nécessité d'un port pétrolier sur la côte ouest ni dans le présent, ni dans un avenir prévisible. Cependant, de l'avis du commissaire, l'enquête était incomplète parce que les témoignages recueillis n'avaient pas été vérifiés par interrogatoire ou par preuve contraire (*Province de Vancouver*, 11 février 1977; « Rapport provisoire de l'avocat de la Commission. Enquête sur les ports pétroliers de la Côte Ouest », Commissaire Andrew R. Thompson, décembre 1977 [Vancouver, Enquête sur les ports pétroliers de la Côte Ouest, 1977], p. 5, 12 et 29-31); et Rapport final, date du 30 mars 1978, qui consiste en lettres de Andrew R. Thompson, commissaire, adressées à l'honorable Roméo LeBlanc, ministre des Pêcheries et de l'Environnement et à l'honorable Otto Lang, ministre des Transports, RG 33/116, vol. 23).

En février 1977, un journaliste du *Province de Vancouver* évoquait les dangers du transport de pétrole vers Kitimat en rappelant que la proposition avait suscité beaucoup d'opposition de la part des groupes de défense de l'environnement, car les pétroliers qui amèneraient le pétrole de l'Alaska auraient à naviguer dans des eaux très dangereuses en bordure de la Colombie-Britannique. Selon les spécialistes de l'environnement, un déversement de pétrole anéantirait les pêcheries de la région et dévasterait toute la côte.

Enquête sur les ports pétroliers de la Côte Ouest, 1971-1978, 4,9 m (vol. 1-24)

À la suite de l'embargo arabe sur le pétrole en octobre 1973, le gouvernement du Canada diminua graduellement ses exportations de pétrole brut canadien vers les États-Unis. Ces derniers voulurent compenser cette diminution en important du pétrole d'Alaska, d'Indonésie et du golfe Persique jusqu'aux ports de la côte ouest, où il devait être transbordé et acheminé vers le Midwest américain. Plusieurs propositions furent alors présentées, qui préoccupèrent grandement les habitants de la Colombie-Britannique.

En décembre 1976, par exemple, Kitimat Pipelines Ltd. demanda à l'Office national de l'énergie la permission de construire un port pétrolier en eaux profondes à Kitimat. La compagnie proposait en outre de construire un oléoduc de 753 milles pour amener le pétrole brut de Kitimat à Edmonton. Le pétrole devait ensuite être acheminé par un autre oléoduc d'Edmonton au Midwest américain. En juin 1977, la proposition de Kitimat demeurait en suspens en attendant le résultat d'une demande de Trans Mountain. En janvier 1978, Kitimat Pipelines Ltd. présenta au gouvernement une nouvelle demande de port pétrolier à Kitimat, mais la demande fut rejetée, le gouvernement ne voyant pas la nécessité de tels aménagements.

Le 30 mai 1977, Trans Mountain Pipeline Ltd. déposa à l'Office national de l'énergie une demande d'approbation d'un plan d'expansion des docks à la raffinerie Atlantic Richfield de Cherry Point, dans l'État de Washington, et de raccordement de ces installations au système d'oléoduc de Trans Mountain au Canada. Ces aménagements devaient permettre le transport du pétrole brut d'Edmonton à la côte ouest, et de Cherry Point à Edmonton selon un mode alternatif. D'Edmonton, le pétrole serait pompé par un autre oléoduc jusqu'au Midwest américain. En octobre 1977, le plan de Trans Mountain fut abandonné, le Congrès américain ayant jugé l'expansion du port de Cherry Point inacceptable du point de vue de l'environnement.

Une autre proposition, celle de Northern Tier Pipeline, suggérait la construction d'un oléoduc qui acheminerait le pétrole brut de Port Angeles (Washington) aux états du Nord en traversant le Nord des États-Unis. Quand le gouvernement canadien refusa la proposition de Kitimat, au début de 1978, le commissaire de l'Enquête sur les ports pétroliers de la côte ouest, Andrew Thompson, attendait à ce que Northern Tier Pipeline poursuive son projet. Toutefois, avant que Northern Tier aille de l'avant, Thompson réclamait une autre enquête publique pour examiner tous les aspects touchant le Canada.

L'éventuelle construction de ports pétroliers sur la côte ouest suscita une certaine appréhension chez les habitants de la Colombie-Britannique. Beaucoup s'opposaient à l'augmentation inévitable du trafic des pétroliers et craignaient les catastrophiques déversements

humaine, les mauvais traitements subis en Eurasie et leur déplacement vers le Nouveau-Monde, s.d., environ 2 h 30 mn, n° d'acquisition 1978-0146.

Archives nationales du Canada, Commission d'étude des revendications des Indiens. Documents cartographiques et architecturaux. RG 33, M115, n° d'acquisition 78903/43. Cartes de la réserve Rocky Mountain Forest et de la réserve indienne de la rivière Nanaimo, 4 documents.

Rapport :

Date de mars 1977. N'a pas été déposé à la Chambre des communes. Intitulé *Commission aux revendications des Indiens. Un rapport : déclarations et mémoires* (Ottawa, Approvisionnement et Services Canada, 1977), v, 116 p.

Publications :

Commission d'étude des revendications des Indiens. Centre de documentation et d'aide à la recherche. *Revendications des Indiens au Canada : Un exposé préliminaire et une sélection d'ouvrages disponibles en bibliothèque* (Ottawa, Information Canada, 1975).

Commission des droits des Indiens du Canada. *Revendications des Indiens au Canada : bibliographie supplémentaire* (Ottawa, Bibliothèque nationale du Canada, 1979).

Le 1^{er} février 1979, la Bibliothèque nationale du Canada prit en charge le Centre de documentation de la Commission d'étude des revendications des Indiens et de la Commission des droits des Indiens du Canada qui l'a remplacée. La collection, connue sous le nom de Collection canadienne des droits des Indiens, porte essentiellement sur les revendications indiennes et la jurisprudence.

souvent, cela dépendait des conditions générales qui présidaient à la détermination et à la résolution des problèmes permanents entre les Indiens du Canada et le gouvernement (*La politique indienne du gouvernement du Canada, 1969* [Ministre des Affaires indiennes et du Nord, Ottawa, Imprimeur de la Reine, 1969], p. 6 et *Commissaire aux revendications des Indiens. Un rapport : déclarations et mémoires* [Ottawa, Approvisionnement et Services Canada, 1977], p. 1-2.

La commission ne tint pas d'audiences officielles. Le commissaire eut des rencontres et des discussions libres avec des représentants autochtones et avec des employés du gouvernement.

Décret en conseil C.P. 2405, 19 décembre 1969, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Consulter les représentants attitrés des Indiens et

a) prendre connaissance et étudier les griefs découlant :

i) de l'application des termes des traités et des ententes conclus officiellement entre les représentants des Indiens et de la Couronne; et

ii) de la gestion des fonds et des terres conformément à des arrangements établis, en vertu de la loi, dans l'intérêt des Indiens;

b) recommander les mesures que devrait adopter le gouvernement du Canada en vue de régler les griefs dont il a pris connaissance et qui, à son avis, exigent de toute évidence une attention particulière en ce qui concerne tous les groupes indiens ou l'un d'entre eux; et

c) déclarer quelles sont, à son avis, les catégories de revendications dont il faudrait saisir les tribunaux ou tout autre organisme spécial quasi judiciaire ou administratif, auquel il jugerait désirable qu'on ait recours afin qu'une sentence arbitrale soit rendue dans certains cas précis.

Commissaires :

Lloyd I. Barber.

Secrétaire :

Brian Pratt.

Documents :

Dossiers de revendications, dossiers de recherche, études inédites, correspondance, discours et documents connexes.

Voir l'instrument de recherche 33/115-109.

Autres documents :

Archives nationales du Canada, Commission d'étude des revendications des Indiens, Documents audio-visuels, Cassettes sonores : John Skeeboss raconte l'histoire des peuples autochtones du Canada, commençant par la création, le déluge, la migration

Commission d'étude des revendications des Indiens, 1966-1977, 2,4 m (vol. 1-13)

Pendant toutes les années 1960, le gouvernement du Canada tenta d'instaurer un processus de règlement des revendications territoriales autochtones, mais il dut abandonner dans sa tentative de formulation d'une loi spécifiquement conçue à cet effet.

En juin 1969, Jean Chrétien, ministre des Affaires indiennes et du Nord, publia un rapport officiel, *La politique indienne du gouvernement du Canada* (le Livre blanc), qui traitait de cette question des revendications territoriales autochtones.

La Commission d'étude des revendications des Indiens (décembre 1969) est issue d'une déclaration publiée dans le Livre blanc, qui prévoyait que le gouvernement nommerait un commissaire chargé de consulter les Indiens, d'étudier et de recommander des méthodes acceptables pour régler les revendications.

La commission devait examiner les griefs des peuples autochtones relativement aux obligations découlant des traités, ainsi que l'administration des terres réservées aux Indiens. Toutefois, selon Lloyd Barber, président de la commission, celle-ci était impopulaire dès l'origine à cause, précisément, du Livre blanc. Il explique que lorsqu'il a été nommé à ce poste à la fin de 1969, les Indiens s'opposaient vigoureusement et de plus en plus au Livre blanc. Les chefs indiens rejetaient le bureau du commissaire parce qu'il leur apparaissait comme le fruit du Livre blanc, et parce que le mandat de la commission semblait exclure tout examen de la question des droits autochtones.

La Commission d'étude des revendications autochtones dut donc se contenter d'un rôle exploratoire et consultatif sans disposer de véritables pouvoirs de décision. En mars 1977, au moment où la Commission d'étude des revendications des Indiens fut remplacée par la Commission des droits des Indiens du Canada, L. Barber résume son travail en disant que de nombreux problèmes, grands et petits, de partout au Canada, ont été examinés; que des démarches ont été faites auprès du gouvernement sur la question des droits autochtones et des traités, sur un grand nombre de revendications de bandes autochtones, sur les fonds de recherche accordés aux organismes indiens, sur l'accès des Indiens aux dossiers du gouvernement et sur bien d'autres sujets, et que, petit à petit, des progrès ont été accomplis dans la compréhension des problèmes en cause et dans la façon de les résoudre.

Le rôle de la Commission d'étude des revendications des Indiens s'est ainsi transformé pour inclure un grand nombre de fonctions : présidence des négociations, facilitateur, médiateur, intermédiaire, protecteur du citoyen, incitateur, tribune d'essai. Quelquefois, certaines questions devaient être réglées immédiatement, mais, le plus

Titre :

Commission chargée d'enquêter et faire rapport sur le fonctionnement de la Direction juridique de la Chambre des communes, 1912, 0,1 m (vol. 1)

Historique :

En 1912, le gouvernement du Canada établit une commission d'enquête sur la Direction juridique de la Chambre des communes. L'enquête portait sur les compétences des employés de la direction et recommandait des moyens d'accroître l'efficacité des services. Le rapport des commissaires mit en lumière de sérieux problèmes au sein de la direction. On alléguait, par exemple, que le légiste de la Chambre, A.H. O'Brien, apportait des changements non autorisés aux projets de lois, aux décisions et autres documents qu'il traitait. En outre, l'harmonie ne régnait pas parmi le personnel. Les commissaires affirmaient qu'ils avaient eu maintes fois la preuve que la Direction juridique de la Chambre des communes était désorganisée, que ses employés travaillaient dans la disharmonie, que le travail de la direction risquait d'être gravement affecté, que l'avenir de la direction avec le personnel actuel s'annonçait mal et que le seul espoir était de réorganiser la direction pour que les affaires importantes qui affectaient ce bureau puissent recevoir l'attention qu'elles méritaient (Voir le rapport dans les archives de la commission).

La commission tint ses audiences à Ottawa du 11 avril au 1^{er} mai 1912.

Texte réglementaire :

Décret en conseil C.P. 870, 10 avril 1912, en vertu de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du premier ministre intermédiaire. Le décret en conseil ne précise pas en vertu de quelle partie de la loi cette commission a été établie.

Faire enquête et rapport sur le fonctionnement de la Direction juridique de la Chambre des communes, les compétences des employés et le meilleur moyen de rendre le service de cette direction efficace et satisfaisant.

Commissaires :

William Drummond Hogg et Adam Shortt.

Documents :

Comptes rendus d'audiences et un exemplaire du rapport de la commission.

Il n'existe pas d'instrument de recherche pour ces documents.

Rapport :

Date du 7 mai 1912. N'a pas été déposé à la Chambre des communes. Les archives de la commission contiennent un rapport dactylographié qui ne porte pas de titre, 9 p.

Autres documents :

Archives nationales du Canada, Commission royale d'enquête sur les groupements de sociétés. Documents audio-visuels. Enregistrements sonores, sur bandes et sur cassettes, d'audiences publiques et d'une émission radiophonique au cours de laquelle les travaux de la commission sont commentés par des journalistes, des spécialistes financiers ou des membres de la commission; autres articles connexes, 1975-1976, environ 80 heures, n° d'acquisition 1978-0096 et 1978-0099.

Rapport :

Date du 17 mars 1978. Déposé à la Chambre des communes le 15 mai 1978. Document parlementaire n° 303-4/110, 1977-1978. Intitulé *Rapport de la Commission royale d'enquête sur les groupements de sociétés*, mars 1978 (Ottawa, Approvisionnement Services Canada, 1978), xxviii, 500 p.

Publications :

Trente-trois études préparées par la commission ont été publiées en français. On en trouve la liste dans les *Publications du gouvernement canadien, catalogue mensuel*, publié par le Centre d'édition, mai 1978, pages 42-43. *Perspectives on the Royal Commission on Corporate Concentration*, ed. Paul K. Gorecki and W.T. Stanbury, Scarborough, Butterworth and Co. (Canada) Ltd., Institute for Research on Public Policy (Institut de recherches politiques), 1979.

par Power, la commission était chargée de fournir au gouvernement du Canada des directives pour l'aider à formuler des mesures d'intérêt public sur les fusions de sociétés au Canada (*Rapport de la Commission royale d'enquête sur les groupements de sociétés* [Ottawa, Approvisionnements et Services Canada, 1978], p. 167-180; et George Radwanski, « The Royal Commission on Corporate Concentration : A Political Perspective », *Perceptions on the Royal Commission on Corporate Concentration*, ed. Paul K. Gorecki et W. T. Stanbury, Scarborough, Butterworth and Co. (Canada) Ltd, pour l'Institute for Research on Public Policy (Institut de recherches politiques), 1979, p. 67-75.

La commission tint ses audiences du 3 novembre 1975 au 13 septembre 1976 dans toutes les capitales provinciales du Canada, ainsi qu'à Sherbrooke, Chicoutimi, Montréal, Trois-Rivières, Ottawa, Sudbury, London, Windsor, Thunder Bay, Calgary, Vancouver, Prince George et Yellowknife. Elle reçut plus de 200 mémoires.

Décret en conseil C.P. 879, 22 avril 1975 et décret en conseil C.P. 999, 1^{er} mai 1975, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur :

a) la nature et le rôle des principaux groupements de sociétés au Canada;

b) les incidences économiques et sociales de ces groupements sur l'intérêt public; et

c) l'existence de garanties ou leur nécessité éventuelle pour protéger l'intérêt public, eu égard à ces groupements.

Robert Broughton Bryce, président, Pierre A. Nadeau et Robert W.V. Dickerson. La maladie obligea Bryce à démissionner le 5 mai 1977.

Serge Bourque.

Commissaires :

Secrétaire :

Documents (textuels) :

Comptes rendus d'audiences, mémoires, notes d'information, pièces à conviction, correspondance, coupures de presse, ébauches du rapport de la commission, dossiers de R.B. Bryce, dossiers de recherche, documents de travail et documents connexes.

Les mémoires et les comptes rendus d'audiences peuvent également être consultés sur microfiches.

Voir l'instrument de recherche 33/113-107, parties 1 et 2.

Documents (TED) :

Fichiers de données de l'Organisation industrielle canadienne portant sur la structure, la gestion et le rendement d'industries manufacturières canadiennes et américaines, 1975-1976 (RG 33/113, n° d'acquisition G0000512).

Commission royale d'enquête sur les groupements de sociétés, 1970-1978, 16 m (vol. 1-80; 352 microfiches; comprend également des documents électroniques)

Historique :

La nomination, le 15 avril 1975, de la Commission royale d'enquête sur les groupements de sociétés fait suite à une tentative de Power Corporation of Canada Limited, importante société de portefeuille montrealaise, d'acquiescer le contrôle d'une autre importante société industrielle d'investissement et de portefeuille, Argus Corporation Limited de Toronto.

Le 25 mars 1975, Power Corporation annonçait son intention de faire une offre visant à contrôler toutes les actions ordinaires et de catégorie C (sans droit de vote) d'Argus Corporation. Bien que la proposition de Power soit demeurée sans effet, elle suscita beaucoup de discussions, particulièrement parmi les hommes d'affaires et les politiciens canadiens. Si Power avait réussi à absorber Argus, le contrôle d'intérêts importants dans le transport, les pâtes et papiers, les établissements financiers, les journaux, la radio/télévision, l'emballage, l'alimentation de détail, la fabrication d'équipement et les mines, aurait été concentré dans les mains d'une seule société.

Dans leur rapport, les commissaires qui menèrent l'enquête sur les groupements de sociétés se livraient à des spéculations sur les caractéristiques financières de la société qui aurait résulté de la fusion Power-Argus. Ils prévoyaient, qu'une fois l'acquisition complètement réglée et avant tout engagement de valeurs actives, la valeur de la nouvelle société fusionnée aurait été (selon le bilan financier) de 783 millions de dollars. Cette société se serait ainsi trouvée au 37^e rang (en terme d'actifs) de la liste de 1975 des grandes sociétés non financières. D'après ses gains, elle se serait classée au 24^e rang, et ces calculs n'incluaient pas les actifs administrés par les sociétés financières du groupe Power.

À l'époque, le gouvernement fédéral ne pouvait pas réellement savoir si les lois sur les fusions alors en vigueur auraient protégé adéquatement les intérêts du public advenant la fusion Power-Argus. Le premier ministre Trudeau en arriva donc à la conclusion que le gouvernement avait besoin d'un supplément d'informations pour pouvoir évaluer les implications d'une fusion, parce que, affirmait-il, il n'existait aucun moyen économique d'arrêter une telle absorption et, pis encore, on ne savait pas si une telle fusion respectait ou non les intérêts du public.

Il est important de noter qu'à la différence des lois antitrusts américaines, la loi canadienne contre les coalitions ne se préoccupe que de l'entrave à la concurrence et non de la concentration du pouvoir économique.

Bien que le mandat de l'enquête sur les groupements de sociétés n'ait parlé ni de « conglomérats », ni de la tentative d'absorption d'Argus

Texte réglementaire : Décret en conseil C.P. 963, 25 avril 1974 en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat : Faire enquête et rapport sur le nombre et le genre de locaux et d'installations dont le Parlement aura besoin dans les années à venir, de la façon suivante :

enquêter sur les besoins actuels et futurs du Parlement en sa qualité d'organe législatif suprême du pays, notamment sur la manière dont d'autres gouvernements répondent ou peuvent répondre aux besoins de leur parlement, et donner des conseils quant au nombre et au genre de locaux et d'installations dont le Parlement aura besoin pour exercer efficacement son activité dans les années à venir.

Commissaires : Originellement, les commissaires étaient : Douglas Charles Abbott, président; George James McIlraith, Jean-Paul Deschatelets, Michel Grattan O'Leary, Marcel Lambert, Richard Albert Bell, Gaston Clermont, James Alexander Jerome, Hugh Poulin, Eymard-Georges Corbin, Claude Wagner, Paul Wyatt Dick, Lorne Edmund Nystrom, Barry Mather, Gérard Laprise et John Stewart.

En novembre 1974, Thomas-Henri Lefebvre fut nommé commissaire à la place de James Jerome (décret C.P. 2546, 21 novembre 1974) et, en mai 1975, John Gilbert remplaça Lorne Nystrom comme commissaire (décret C.P. 1004, 1^{er} mai 1975). En outre, Grattan O'Leary mourut le 7 avril 1976. Le président de la Chambre des communes et le président du Sénat furent nommés membres ex-officio de la commission.

Secrétaire : James A. Langford.

Documents : Procès-verbaux des réunions de la commission, mémoires, correspondance, notes, comptes rendus de visites en pays étrangers, et documents connexes.

Voir l'instrument de recherche 33/112-106.

Rapport : Date de novembre 1976. Déposé à la Chambre des communes le 17 décembre 1976. Document parlementaire n° 302-4/123, 1976-1977. Intitulé *Rapport de la Commission consultative des locaux parlementaires*. L'Honorable D.C. Abbott, C.P., C.R., président, novembre 1976 (Ottawa, Approvisionnements et Services Canada, 1976), viii, 141 p.

Publications : *Le Rapport de la Commission consultative des locaux parlementaires* comprend une bibliographie.

Le 20 juillet 1973, le ministre fédéral des Travaux publics, Jean-Eudes Dubé, annonçait à la Chambre des communes que le gouvernement du Canada avait déposé un avis exprimant son intention d'exproprier tous les terrains et édifices du quadrilatère bordé par les rues Wellington, Elgin, Sparks et Bank à Ottawa, à l'exception de l'ambassade des États-Unis. Selon Dubé, ces expropriations avaient pour but de protéger le voisinage du Parlement de tout développement qui pourrait l'affecter négativement et, en même temps, de fournir du terrain pour l'agrandissement des installations parlementaires et autres édifices gouvernementaux.

Depuis un certain nombre d'années, députés et sénateurs faisaient face à une grave pénurie d'espace et il n'existait aucun moyen réel d'agrandir les édifices du Parlement. L'installation de plusieurs députés dans l'édifice de la Confédération constituait une solution temporaire, mais il était nécessaire de trouver une solution à plus long terme. Pour les parlementaires, l'important était de disposer de locaux qui soient hors de la colline parlementaire tout en étant situés à proximité. Pour toutes ces raisons, le gouvernement du Canada expropriait les terrains et les immeubles qui faisaient face à la colline parlementaire. Dubé proposa en outre l'établissement d'une commission d'enquête sur les locaux parlementaires, laquelle fournirait des avis sur la quantité et le genre d'installations dont le Parlement aurait besoin à l'avenir. Selon John A. MacDonald, ministre adjoint des Travaux publics, la commission aurait à étudier la quantité d'espace nécessaire à chaque parlementaire, aux aménagements de soutien, aux installations récréatives, aux services, etc. À cela venait s'ajouter de nouvelles questions relatives au fonctionnement des comités et au genre d'appui technique dont ils avaient besoin, ainsi que les problèmes liés à la presse et autres médias.

Le 26 avril 1974, Dubé dévoila le nom des commissaires. Tous étaient députés, anciens députés ou, dans quelques cas, sénateurs. Ce choix plut à MacDonald. Il définit lui-même les membres de la commission comme étant un groupe dans lequel le Parlement pouvait avoir toute confiance et qui, de par sa nature même, aurait beaucoup de poids et d'autorité pour faire savoir ce dont le Parlement devrait disposer (Chambre des communes, *Debates*, 20 juillet 1973, p. 5823-5825 et 26 avril 1974, p. 1783-1784; procès-verbal de la réunion préliminaire d'organisation de la Commission consultative des locaux parlementaires, 16 mai 1974, dans RG 33/112, vol. 2, dossier 11).

La commission ne tint pas d'audience, mais elle étudia les locaux parlementaires disponibles à Ottawa et dans les assemblées législatives provinciales de Toronto et de Québec. En 1975, les commissaires se rendirent à Washington, Canbera, Sydney, Londres, Paris, Bonn et Stockholm pour visiter les installations parlementaires de ces pays.

dégradation des voies ferrées près de Colonsay (Saskatchewan), vers 1976.

Archives nationales du Canada, Commission d'enquête sur la manutention et le transport du grain. Documents cartographiques et architecturaux. RG 33, M111, n° d'acquisition 77803/20, documents 1-23, et n° d'acquisition 78903/84, plusieurs articles.

Archives nationales du Canada, Commission d'enquête sur la manutention et le transport du grain. Documents audio-visuels. Enregistrements sonores sur bandes magnétiques et sur cassettes d'audiences publiques et privées, environ 200 h, n° d'acquisition 1977-0141.

Agence nationale du transport (anciennement Commission canadienne du transport). Commission d'enquête sur la manutention et le transport du grain. Ces documents comprennent des mémoires, des résumés de mémoires, des résumés relatifs aux lignes ferroviaires secondaires, des rapports régionaux et des documents connexes (voir l'instrument de recherche 33/111-105).

Rapport :

Volume 1. Date du 18 avril 1977. Déposé à la Chambre des communes le 16 mai 1977. Document parlementaire n° 302-4/124, 1976-1977.

Volume 2. Date du 29 avril 1977. Déposé à la Chambre des communes le 20 juin 1977. Document parlementaire n° 302-4/124a, 1976-1977.

Volume 3. Date de 1977. Déposé à la Chambre des communes le 16 décembre 1977. Document parlementaire n° 303-4/124, 1977-1978.

Intitulé *Le grain et les chemins de fer dans l'Ouest canadien. Rapport de la Commission sur la manutention et le transport des grains* (Ottawa, Approvisionnement et Services Canada, 1977), 3 vol. 1172 p.

Publications :

Commission d'enquête sur les coûts du transport du grain par rail : rapport (Ottawa, 1977, 510 p.).

La commission tint quatre types d'audiences : générales, régionales, locales et finales, dont l'objet est expliqué dans le volume 1 du rapport final de la commission (p. 13-17).

Les audiences générales eurent lieu du 15 octobre au 26 novembre 1975 à Saskatoon, Regina, Winnipeg, Edmonton et Calgary. Trente-sept mémoires y furent déposés.

Les audiences régionales se déroulèrent dans quatorze localités des trois provinces des Prairies, du 2 décembre 1975 au 30 juin 1976. Elles permirent de recueillir 111 mémoires.

Les audiences locales furent organisées dans 77 centres des trois provinces des Prairies, du 5 janvier au 20 avril 1976. La commission y reçut 1 180 mémoires.

Les audiences finales eurent pour cadre Saskatoon, Edmonton et Vancouver, du 30 août au 15 septembre 1976. Quatre-vingts mémoires y furent soumis.

Texte réglementaire :

Décret en conseil C.P. 872, 18 avril 1975 et décret en conseil C.P. 1067, 9 mai 1975, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre des Transports et du ministre responsable de la Commission canadienne du blé.

Mandat :

Faire enquête et rapport sur les besoins des collectivités en matière d'infrastructure ferroviaire, sur la rentabilité de la modernisation du réseau ferroviaire et l'attitude probable des producteurs et des exploitants d'élevateurs face à l'évolution de la conjoncture, aux fins de présenter des recommandations sur la vocation de cette partie du réseau ferroviaire.

Commissaires :

Emmett M. Hall, commissaire en chef, Reginald E. Forbes, Robert H. Cowan, Lloyd Stewart et Reinhold Lehr.

Secrétaire :

J.M. McDonough.

Documents :

Comptes rendus d'audiences, mémoires, documents de recherche, documents de travail, correspondance, statistiques agricoles et données de recensement, documentation relative aux lignes ferroviaires secondaires, informations financières sur le transport du grain, les subventions aux chemins de fer et les coûts d'élevateurs. Ce fonds contient également des documents produits par le Comité d'action du rail dans les Prairies (vol. 34-38), qui a étudié les recommandations pour la Commission Hall.

Voir l'instrument de recherche 33/111-104, parties 1 et 2.

Autres documents :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1979-109 : Canada. Commission d'enquête sur la maintenance et le transport du grain. Vingt-neuf photographies sur les sujets suivants : vues aériennes du port de Thunder Bay (Ontario) et

1967-1978, 11 m (vol. 1-55)

Le 4 mai 1967, le gouvernement du Canada promulgait le Décret d'interdiction d'abandon d'embranchements, grâce auquel 6 283 milles d'embranchements ferroviaires des provinces du Manitoba, de la Saskatchewan et de l'Alberta devaient être maintenus au moins jusqu'au 1^{er} janvier 1975. Au moment de l'expiration du décret, Jean Marchand, ministre fédéral des Transports, annonça que le gouvernement assurerait jusqu'en l'an 2000 la protection du réseau ferroviaire des Prairies, ensemble de 12 413 milles de voies ferrées. L'avenir des 6 283 milles de voies ferrées protégées depuis 1967 devait être déterminé par une enquête fédérale. Le 18 avril 1975, le ministre des Transports, Jean Marchand, et le ministre responsable de la Commission canadienne du blé, Otto Lang, annoncèrent conjointement la mise sur pied d'une commission d'enquête sous la présidence d'Emmett Hall. Cette commission devait formuler des recommandations quant à l'amélioration, au maintien ou à l'abandon des lignes. Hall était également chargé d'étudier l'importance des voies ferrées dans les besoins régionaux en moyens de transport et dans les collectivités concernées. Le gouvernement de la Saskatchewan, par exemple, soutenait que l'abandon des lignes secondaires aurait des effets négatifs sur de nombreuses collectivités. Cet avis était partagé non seulement par plusieurs exploitants agricoles et municipalités de la région des Prairies, mais surtout par des personnes habitant sur l'itinéraire du chemin de fer. Toutefois, les preuves faisaient défaut et certains avançaient même que l'abandon des lignes de chemin de fer aurait des effets négligeables, voire nuls, sur les collectivités.

Les ministres responsables, Marchand et Lang, s'accordaient pour dire qu'avant de pouvoir prendre une décision, la commission devait étudier la qualité et les coûts du service ferroviaire existant et à venir, et examiner les solutions de rechange au système actuel. Les ministres estimaient également que la Commission Hall devrait se pencher sur la question du service d'élevateurs, sur les plans d'avenir des exploitants d'élevateurs, ainsi que sur les projets de développement des routes et des collectivités de la région.

Simultanément, les ministres annonçaient la nomination de la Commission Hall eut accès aux résultats de cette enquête (*Canadian News Facts*, 16-30 avril 1975, p. 1382; Décret en conseil C.P. 880, 4 mai 1967; *The Community Impact of Railline Abandonment*, 1975-1976 : *Summary Report*, Regina, Université de Regina, Section des enquêtes par sondage et de la base de données, 1976-1977, p. 2-3. *Grain and Rail in Western Canada* [Ottawa, Approvisionnement et Services Canada, 1977], vol. 1, p. 54-61; et S.N. Kulsreshtha, *A Current Perspective on the Prairie Grain Handling and Transportation System*, Saskatoon, Université de la Saskatchewan, 1975, p. 1, 19 et 20).

- 2) Les concessions hydrauliques accordées en vertu des règlements du Territoire du Yukon sont-elles bénéfiques ou préjudiciables aux intérêts miniers du territoire?
- 3) Quelles mesures faudrait-il adopter pour exploiter avec succès les côteaux, berges et autres terrains élevés, qui ne peuvent être mis en valeur qu'avec de grandes difficultés dans leur condition naturelle, ou qu'il est impossible d'exploiter profitablement sans un approvisionnement d'eau artificiel?
- 4) Les concessions hydrauliques accordées en vertu des règlements du Territoire du Yukon ont-elles été obtenues par fraude ou par de fausses représentations?
- 5) Les personnes à qui ces concessions ont été accordées ont-elles négligé de remplir les conditions de leurs baux?

Commissaires :

À l'origine, les commissaires étaient : Byron Moffatt Britton et John Ernest Hardman. Hardman quitta la commission en juillet 1903 et fut remplacé par Benjamin Taylor A. Bell (décret en conseil C.P. 1281, 30 juillet 1903). Cependant, Bell mourut le 1^{er} mars 1904 et Britton termina seul l'enquête.

Secrétaires :

Hugh Howard Rowatt et G.A. Lacombe.

Documents :

Comptes rendus d'audiences et une version dactylographiée du rapport de la commission signée par B.M. Britton.

Rapport :

Voir l'instrument de recherche RG 33/110-103.
Date du 28 juillet 1904. Déposé à la Chambre des communes le 1^{er} août 1904. Document parlementaire n° 142, 1904. Imprimé à la Chambre des communes, dans le cadre des documents parlementaires de 1904 : « Exécution d'un décret de la Chambre daté du 17 mars 1904 prescrivant l'impression d'exemplaires du rapport du juge Britton et des autres commissaires chargés de faire enquête sur la concession de Treadgold et d'autres concessions sises dans le Territoire du Yukon », 49 p.

concession Treadgold et associés avant l'entrée en vigueur de l'entente.

Selon les termes d'une délibération en date du 19 mai, la Chambre de commerce de Dawson accusait le gouvernement du Canada de persister dans sa politique de rejet de l'exploitation des minerais alluvionnaires dans la région, et continuait à accorder de grands secteurs dans le cadre de concessions très préjudiciables pour la prospérité du Klondike. La Chambre de commerce voulait que la future commission royale ait le pouvoir de faire enquête sur toutes les concessions hydrauliques et tous les abus du gouvernement dans le territoire et dans l'affaire Treadgold.

Établi le 29 mai 1903, le mandat de la commission royale fut déposé au Parlement le 8 juin. Les commissaires devaient faire enquête et rapport sur toute la question de l'exploitation minière et des baux dans le Territoire du Yukon, y compris sur la concession Treadgold et toutes les autres concessions hydrauliques.

Le 11 juin, Casgrain déclara que le mandat de la commission était une « vraie farce ». Selon lui, l'enquête ne couvrirait que la question des systèmes hydrauliques et autres méthodes scientifiques d'exploitation minière. Il réclamait une enquête plus complète jusqu'à dans les mauvaises pratiques administratives à caractère politique, particulièrement en ce qui avait trait à la concession Treadgold.

Quand l'opposition accusa le gouvernement de méfait dans l'octroi de concessions, le premier ministre la mit au défi d'apporter des preuves. Néanmoins, le 30 juillet, Clifford Sifton, ministre de l'Intérieur, étendit le mandat à la question de savoir si les concessions avaient été obtenues par fraude et fausse représentation et si les bénéficiaires avaient fait fi des règlements (*Canadian Annual Review*, 1961, p. 233-240 et Chambre des communes, *Débates*, 12 mai 1903, p. 2795-2915, 29 mai 1903, p. 3713 et 11 juin 1903, p. 4486-4547).

Les audiences eurent lieu du 17 août au 5 septembre 1903 à Dawson, Grand Forks et Gold Bottom (Territoire du Yukon). La commission reçut 267 pièces à conviction.

Texte réglementaire :

Mandat :

Qu'une enquête soit faite pour obtenir des informations sur les questions suivantes :

- 1) Jusqu'à quel point la concession octroyée à la Concession Treadgold peut-elle être favorable ou préjudiciable aux exploitations minières du Territoire du Yukon?

Commission pour faire enquête au sujet de la concession Treadgold et des autres concessions dans le Territoire du Yukon, 1903-1904, 0,2 m (vol. 1; bobines de microfilm T-1320 à T-1321)

Historique :

Peu après la découverte d'or au Yukon, en 1896, il apparut que les dépôts d'or des côtes, rives et autres terrains élevés bordant les cours d'eau du territoire ne pouvaient être exploités selon les méthodes d'exploitation des minerais alluvionnaires. Comme un important approvisionnement en eau était nécessaire pour exploiter ces terrains, on mit au point un système d'extraction hydraulique. La question se posa de savoir si le gouvernement devait y être impliqué. Le 17 avril 1902, le gouvernement du Canada octroya certains privilèges à Malcolm H. Orr-Ewing, A.N.C. Treadgold et Walter Barwick (communément appelés « Concession Treadgold »). Ce privilège réservait aux bénéficiaires le droit exclusif de dériver et d'utiliser l'eau de la rivière Klondike à n'importe quel(s) endroit(s) entre son confluent avec la rivière Yukon et Flat Creek, dans le but de produire de l'énergie pour pomper l'eau et exploiter les dépôts aurifères du secteur, dont le lit, les rives, les vallées, les pentes et les collines de la rivière Klondike, ainsi que des ruisseaux Bonanza, Bear et Hunter et de leurs affluents. Les mineurs des placers ne tardèrent pas à exprimer leur mécontentement relativement à la concession Treadgold et à d'autres concessions.

En mars 1903, la Chambre de commerce de Dawson adressa une pétition au gouvernement demandant la révocation de la concession Treadgold. D'autres pétitions émanèrent du Conseil du Yukon. L'Association libérale de Dawson, qui alléguait que les concessions avaient été obtenues par fraude et fausse représentation, demanda la tenue d'une enquête.

Le 16 avril 1903, un certain nombre d'habitants du Yukon, qui protestaient que les avantages conférés aux bénéficiaires de la concession Treadgold représentaient une valeur incalculable et impliquaient une énorme exploitation des ressources pour le seul profit de quelques favoris, firent également parvenir une pétition au gouvernement. Ils soutenaient que la concession n'offrirait pas au Yukon un approvisionnement hydraulique bon marché, abondant et efficace. Ils demandaient que ce service soit fourni soit par le gouvernement du Canada, soit sous l'autorité du commissaire du Yukon, particulièrement en ce qui concernait les mines.

Le 12 mai, J. Chase Casgrain, député de Montmorency, dénonça à la Chambre des communes la concession Treadgold qui était, selon lui, illégale et préjudiciable aux habitants du Yukon. Il considérait que le gouvernement n'avait pas vraiment réalisé l'énormité de la concession octroyée. Le premier ministre Wilfrid Laurier expliqua la concession Treadgold par le fait que le gouvernement du Canada ne voulait pas dépenser de gros montants pour la réalisation de travaux hydrauliques au Yukon. Il promit que le gouvernement ferait enquête sur la

certaines terres cédées par la province au gouvernement fédéral en conformité avec le paragraphe II des termes de l'Union et sur tout témoignage qui pourrait être essentiel à l'étude de cette réclamation par le gouvernement du Canada.

Commissaire :

William Melville Martin.

Documents :

Rapport de réclamation, mémoire relatif aux terres du gouvernement fédéral en Colombie-Britannique, comptes rendus d'audiences et version dactylographiée du rapport du commissaire.

Il n'existe pas d'instrument de recherche pour ces documents.

Rapport :

Date du 16 février 1928. Déposé à la Chambre des communes le 13 mars 1928. Document parlementaire n° 76a, 1928. Intitulé *Rapport de la Commission royale. Rétrocession de certaines terres à la Colombie-Britannique*, conformément au décret en conseil du 8 mars 1927 (Ottawa, Imprimeur du Roi, 1928), 59 p.

Titre :

Commission royale sur la rétrocession de certaines terres à la Colombie-Britannique, 1927, 0,1 m (vol. 1)

Historique :

Lorsque la Colombie-Britannique entra dans la Confédération en 1871, elle conserva le contrôle des terres publiques. En vertu de l'article 11 des termes de l'Union, le gouvernement du Canada promit d'entreprendre la construction d'un chemin de fer dans les deux ans suivant la date de l'union. La Colombie-Britannique devait être reliée au système ferroviaire de l'Est du Canada dès 1881, mais elle a dû attendre quinze ans avant que le chemin de fer ne soit terminé.

Pour construire ce chemin de fer, le gouvernement du Canada avait besoin de terres en Colombie-Britannique. Il se proposait d'octroyer des subventions à toute compagnie qui entreprendrait la construction du chemin de fer ou de vendre des terres pour aider à défrayer les coûts de la construction.

En vertu de l'article 11 du décret impérial en question, la Colombie-Britannique était admise dans la Confédération, mais elle acceptait de céder en fiducie au gouvernement du Canada certaines terres publiques sises le long de la future ligne de chemin de fer (connue plus tard sous le nom de « Railway Belt ») contre une somme de 100 000 \$ par année. De plus, en 1883, la province de la Colombie-Britannique transféra au gouvernement 3,5 millions d'acres supplémentaires dans le district de Rivière-la-Paix à la place de terrains impropres à la colonisation le long de la Railway Belt.

Comme un total de 12 832 000 acres de terres transférées au gouvernement du Canada en fiducie n'avaient pas été utilisées, en février 1926, la province adopta un décret enjoignant le gouvernement fédéral de rétrocéder à la province l'administration de la partie non aliénée de la Railway Belt, ainsi que le district de Rivière-la-Paix. Le gouvernement du Canada répondit en nommant une commission royale d'enquête chargée d'examiner les arguments que la province de la Colombie-Britannique avançait à l'appui de sa réclamation de rétrocession des terres, et d'administration et de contrôle de ses ressources naturelles. (Voir : Chester Martin, « *Dominion Lands Policy*, Ed. Lewis H. Thomas, Toronto, McClelland and Stewart, 1973, p. 39, 45-46, 204-206 et 209; *Rapport de la Commission royale. Rétrocession de certaines terres à la Colombie-Britannique*, Ottawa, Imprimeur du Roi, 1928).

La commission tint ses audiences à Victoria du 21 au 23 juin 1927.

Texte réglementaire :

Décret en conseil C.P. 422, 8 mars 1927, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du ministre de l'Intérieur.

Mandat :

Faire enquête et rapport sur les arguments de la province de la Colombie-Britannique à l'appui de sa réclamation portant sur la rétrocession à la province, par le gouvernement canadien, de

Titre :

Commission chargée de recueillir les témoignages des Indiens âgés, 1977, 0,5 m (vol. 1)

Historique :

En avril 1975, le gouvernement du Canada mit sur pied un comité mixte, composé de représentants de la Fraternité des Indiens et de ministres du Cabinet fédéral, pour discuter de questions préoccupant et le gouvernement et les Indiens inscrits. Sous l'égide de ce comité, le gouvernement établit également un sous-comité mixte, constitué de témoignage des anciens sur les processus qui expliquaient leur adhésion à un traité ou leur compréhension de ses conditions et modalités pouvait aider à régler les revendications ou les griefs demeurés en suspens (Décret en conseil C.P. 703, 17 mars 1977).

Les audiences eurent lieu le 4 février, ainsi que les 27 et 28 août 1977, à Pelican Narrows et Stanley Mission (Saskatchewan).

Texte réglementaire :

Décret en conseil C.P. 703, 17 mars 1977, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du premier ministre.

Mandat :

Obtenir des renseignements des Indiens âgés connaissant les événements à l'origine d'un grief portant sur les droits et les revendications des Indiens inscrits, lorsqu'un membre du sous-comité mixte aura soumis ledit grief au commissaire dans le but d'obtenir des renseignements et qu'il jugera opportun de procéder ainsi.

Commissaire :

Lloyd I. Barber.

Documents :

Comptes rendus d'audiences de Pelican Narrows et Stanley Mission (Saskatchewan).

Autres documents :

Archives nationales du Canada, Archives de la Commission d'étude des revendications des Indiens, RG 33/115, vol. 9, comptes rendus des témoignages d'Indiens âgés résidant dans les collectivités isolées au nord du Petit lac des Esclaves (Alberta), 21 août 1975.

Rapport :

Aucun rapport n'a été présenté. Le décret en conseil C.P. 1321 du 21 mai 1981 a mis un terme à l'enquête.

seulement en vertu de l'article XI du *Traité de 1911*, mais aussi en vertu de la *Sentence de Paris* de 1893. La majorité des réclamations découlaient d'ailleurs des restrictions imposées sur la chasse aux phoques par cette dernière (*Commission de la pêche pélagique au phoque. Rapport parlementaire* 79, 1916, p. 1-14).

La commission tint ses audiences du 15 juillet 1913 au 8 février 1915, à Sydney, Halifax, Ottawa et Victoria. Elle reçut 1605 réclamations.

Décret en conseil C.P. 1054, 10 juin 1913, en vertu de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du ministre de la Marine et des Pêcheries. Le décret ne mentionne pas en vertu de quelle partie de la loi la commission a été établie.

Mandat :

Faire enquête sur les réclamations de certains pêcheurs canadiens de phoques à fourrure sous prétexte qu'ils avaient été lésés par le traité concernant la pêche pélagique du phoque, en date du 7 juillet 1911, ainsi que par d'autres accords relatifs à cette industrie, et formuler des recommandations quant : 1) au montant qui devrait être versé en compensation; 2) aux personnes, entreprises et sociétés qui devraient bénéficier de ces compensations et 3) au montant qui devrait être versé dans chacun des cas.

Commissaire :

Louis Arthur Audette.

Secrétaire :

W.H. Huggins.

Documents :

Comptes rendus d'audiences, recueils de procès-verbaux, informations relatives aux réclamations, correspondance, notes sténographiées, ébauches du rapport du commissaire et version dactylographiée signée par le commissaire. Les documents sont aussi disponibles sur microfilm.

Voir l'instrument de recherche 33/107-102.

Autres documents :

Archives nationales du Canada, Archives du ministère des Pêches et Océans, RG 23, D5, vol. 410-416, réclamations individuelles déposées auprès de la Commission de la pêche pélagique au phoque, 1913-1915.

Rapport :

Non daté. Déposé à la Chambre des communes le 9 février 1916. Document parlementaire n° 79, 1916. Intitulé *Commission de la pêche pélagique au phoque. Rapport du commissaire*, 63 p.

Titre :

Commission chargée d'enquêter et de faire rapport sur les demandes d'indemnisation de certains pêcheurs canadiens pratiquant la pêche pélagique du phoque qui auraient été lésés par le Traité réglementant la pêche pélagique du phoque conclu le 7 juillet 1911 entre la Grande-Bretagne et les États-Unis, la Russie et le Japon, et par le Règlement relatif à la sentence de Paris de 1893, 1910-1916, 1,5 m (vol. 1-7, bobines de microfilm T-12047 à T-12053 et T-12358 à T-12362)

Historique :

Un conflit sur la pêche pélagique (qui consiste à tuer, capturer ou poursuivre les phoques en mer) survint en 1886, lorsque les États-Unis, désireux de contrôler la chasse au phoque, saisirent trois navires britanniques de chasse au phoque dans la mer de Béring. Outragés par cet incident et par la saisie dans les eaux internationales du Pacifique Nord de navires dont les équipages étaient sujets britanniques, les chasseurs demandèrent à la Grande-Bretagne d'intervenir en leur faveur. Les négociations entre les États-Unis et la Grande-Bretagne sur le différend relatif à la chasse au phoque donna lieu à un traité entre les deux nations, qui fut signé en 1892. Après quoi, tous les problèmes en suspens dans la région furent référés à l'arbitrage d'un tribunal international.

La *Sentence de la mer de Béring de 1893* (connue également sous le nom de *Sentence de Paris*) débouta la revendication des États-Unis de compétence exclusive sur l'industrie du phoque de la mer de Béring; autorisa le dédommagement des sujets britanniques pour les pertes financières causées par l'interférence des Américains dans la chasse pélagique du phoque; et établirent certains règlements pour la protection des troupeaux de phoques : elle interdit les armes à feu et prescrit l'utilisation de lances.

Malgré ces précautions, les troupeaux de phoques de la mer de Béring étaient constamment menacés, car la pêche pélagique n'intéressait pas seulement les États-Unis et la Grande-Bretagne, mais aussi la Russie et le Japon. Les pêcheurs japonais n'étaient pas soumis aux règlements de la *Sentence de Paris* et ils ignoraient les restrictions relatives aux armes à feu et à la limite de chasse de trois milles au-delà des aires de reproduction des phoques. Aussi, ne tardèrent-ils pas à dominer l'industrie du phoque. Leur présence dans l'Atlantique Nord constitua un facteur important dans l'avènement du *Traité de 1911* réglementant la pêche pélagique. Cette année-là, eut lieu une conférence internationale et les délégués des quatre nations concernées rédigerent la *Convention sur la pêche pélagique* (également connue sous le nom de *Traité de Washington*), qui bannissait la chasse au phoque dans l'océan Pacifique, au nord du 30° parallèle; réglementait la chasse terrestre aux phoques; et accordait une généreuse compensation à la Grande-Bretagne.

Par la suite, en 1913, une commission royale fut établie pour déterminer de quelle façon la compensation offerte à la Grande-Bretagne serait versée aux chasseurs canadiens, ce qui comprenait les chasseurs autochtones, qui réclamaient des dommages non

La commission tint ses audiences à Yellowknife du 3 au 20 février 1976 et, à Edmonton, du 5 au 9 avril 1976. La commission reçut 115 pièces à conviction.

Texte réglementaire :

Décret en conseil C.P. 2726, 20 novembre 1975, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1970, ch. I-13) et sur la recommandation du ministre de la Justice.

Mandat :

Faire enquête et rapport sur les circonstances entourant l'accident du Lockheed L188, immatriculé CF-PAB, survenu dans la région de Rea Point (Territoires du Nord-Ouest), le 30 octobre 1974, et sur la ou les causes de la catastrophe.

Commissaire :

William Alexander Stevenson.

Documents :

Pièces à conviction, comptes rendus d'audiences et reçus de fret.

Voir l'instrument de recherche 33/106-101.

Autres documents :

Archives nationales du Canada, Commission royale sur l'écrasement d'un Lockheed près de Rea Point (T.N.-O.), 30 octobre 1974. Documents cartographiques et architecturaux. RG 33, M106, n° d'acquisition 78903/13, articles 1-9, consistant en plans de vol, cartes météorologiques et le plan d'un enregistreur de données de vol, modèle Fairchild 5424.

Archives nationales du Canada, Division de l'art documentaire et de la photographie. Acquisition 1978-082 : Canada. Commission d'enquête sur l'écrasement d'un appareil Electra de la Panarctic. Dix-huit photos des débris du Lockheed Electra CF-PAB qui s'est écrasé près de Rea Point (T.N.-O.), 1974.

Rapport :

Date du 29 juin 1976. N'a pas été déposé à la Chambre des communes. Intitulé « *Inquiry into the Matter of a Crash of a Panarctic Electra Aircraft at Rea Point, Northwest Territories, October 30, 1974, before His Honour Judge W.A. Stevenson. Report* », [Edmonton], 1976, 38, 18 p.

Titre :

Historique :

Commission d'enquête sur les circonstances entourant l'écrasement, le 30 octobre 1974, d'un avion Lockheed L-188, enregistré CF-PAB, survenu à proximité de Rea Point, dans les Territoires du Nord-Ouest, 1972-1976, 0,8 m (vol. 1-4)

Le 29 octobre 1974, un Lockheed L-188 Electra (immatriculé CF-PAB), appartenant à Panarctic Oils Ltd., reliait Calgary à Rea Point sur l'île Melville (Territoires du Nord-Ouest), en passant par Edmonton. Le vol 416, ainsi qu'on le désignait, s'écrasa près de Rea Point lors d'une approche aux instruments, vers minuit et quart, le 30 octobre. Les trente passagers et deux des quatre membres d'équipage périrent dans l'accident.

Selon le Rapport d'accident d'avion de Transports Canada, l'appareil descendait progressivement sur Rea Point à environ 100 pieds plus bas que l'altitude minimum autorisée pour la descente. Puis, à environ trois milles de la piste, il descendit rapidement et toucha la mer à environ deux milles et demi de son but.

Très endommagé par le choc, l'avion prit feu. Le poste de pilotage se détacha du fuselage et plusieurs des grands morceaux de l'appareil tombèrent dans l'eau.

Du fait des pertes de vie, une enquête du coroner fut établie à Yellowknife. Le 1^{er} novembre 1975, cette enquête recommandait la tenue d'une enquête publique sur les événements qui avaient précédé et suivi immédiatement l'accident, parce que, disait-elle, sans le témoignage des deux survivants et d'autres témoins importants pour expliquer certaines contradictions, elle ne pouvait arriver à des conclusions générales et définitives.

Dès le 3 décembre 1974, Howard Johnston, député d'Okanagan-Kootenay, avait demandé une enquête publique sur l'écrasement de l'avion, mais le gouvernement avait refusé. Lorsque l'on apprit que d'importants témoins n'avaient pas été entendus à l'enquête du coroner, Johnston et d'autres députés furent convaincus de la nécessité d'établir une commission royale d'enquête. Enfin, le 7 novembre, Ron Basford, ministre fédéral de la Justice, annonça à la Chambre des communes, que sur la foi des recommandations du jury du coroner, une commission royale allait être nommée. Cette nomination se concrétisa officiellement le 20 novembre 1975 (RG 33/106, vol. 1, Enquête Panarctic, pièce n° 3, enquête du jury du coroner et recommandations, 1^{er} novembre 1975, et pièce n° 4, Division des enquêtes sur la sécurité aérienne, Transports Canada, Rapport d'accident d'avion, Lockheed L-188, CF-PAB, Rea Point, île Melville (T.N.-O.), 30 octobre 1974; et Chambre des communes, *Débates*, 3 décembre 1974, p. 1923; 16 juin 1975, p. 6772; 14 juillet 1975, p. 7560-7561; 27 octobre 1975, p. 8562; 3 novembre 1975, p. 8775 et 7 novembre 1975, p. 8954).

Enquêter et faire rapport sur le potentiel qu'offrent les régions arctiques et subarctiques du Canada en tant que régions de pâturage pour la mise sur pied d'une industrie du boeuf musqué et du renne à des fins commerciales et nationales.

Mandat :

John Gunion Rutherford, président, James Stanley McLean, James Bernard Harkin et Vilhjalmur Stefansson. Stefansson démissionna le 12 mars 1920.

Commissaires :

J.C. Campbell.

Secrétaire :

Comptes rendus d'audiences accompagnés d'un index et d'une version dactylographiée du rapport de la commission, signée par les commissaires.

Documents :

Il n'existe pas d'instrument de recherche pour ces documents.

Archives nationales du Canada, documents personnels de J.B. Harkin, MG 30, C169, vol. 2, dossier intitulé « Commission sur le boeuf musqué et le renne canadiens, 1920 ».

Autres documents :

Archives nationales du Canada, documents personnels de J.J. Woodside, MG 30, C64, vol. 39, dossier 1, intitulé « Commission royale sur le renne et le boeuf musqué, 1921-1928 ».

Rapport :

Date du 1^{er} avril 1921. Déposé à la Chambre des communes le 4 mai 1921, Document parlementaire n° 162, 1921. Ce rapport n'a pas été imprimé dans les *Documents parlementaires*. Intitulé « Report of the Royal Commission Appointed by Order in Council of Date May 20, 1919 to Investigate the Possibilities of the Reindeer and Musk-Ox Industries in the Arctic and Sub-Arctic Regions of Canada ». John Gunion Rutherford, président, *et al.*, Ottawa, Imprimeur du Roi, 1922, 99 p.

Titre :

Historique :

Commission chargée d'enquêter et de faire rapport sur les possibilités d'exploiter les régions arctiques et subarctiques du Canada comme pâturages pour l'élevage de boeufs musqués et de rennes à des fins commerciales et nationales, 1920, 0,1 m (vol. 1)

Le 11 novembre 1918, à l'Empire Club de Toronto, l'explorateur de l'Arctique canadien, Vilhjalmur Stefansson, proposait un plan pour introduire le renne domestique dans les régions arctiques et subarctiques du Canada. L'orateur se montrait également favorable à la domestication du boeuf musqué, non seulement pour sa viande, mais aussi pour sa laine. Stefansson soumit son plan à Duncan Campbell Scott, surintendant général adjoint des Affaires indiennes, et à Arthur Meighen, ministre de l'Intérieur. Les deux hommes se montrèrent intéressés et Meighen s'organisa pour que Stefansson prononce une allocution lors d'une séance mixte du Sénat et de la Chambre des communes. Le 6 mai 1919, Stefansson expliquait aux parlementaires comment on pouvait convertir les vastes pâturages du Nord canadien en une région productrice de laine et de viande. Après cette intervention, c'est dans l'approbation générale que Meighen recommanda au Cabinet que le gouvernement du Canada établisse une commission royale chargée d'étudier la possibilité de mettre sur pied une industrie du boeuf musqué et du renne.

Toutefois, Richard Dübald, spécialiste de la question, remit en cause la décision du gouvernement d'établir une commission royale. Selon lui, on pouvait s'attendre de voir le gouvernement canadien créer une commission royale alors qu'une action gouvernementale avait déjà été engagée sur cette question presque un an avant la création de la commission et même avant l'intervention de Stefansson.

Après tout, le gouvernement n'avait-il pas déjà accordé des privilèges de pâturage à la North American Reindeer Company pour ses troupeaux de rennes, dès juillet 1918? De l'avis de Dübald, la domestication du boeuf musqué, déclarée espèce protégée en 1917, pouvait avoir quelque chose à voir avec le besoin d'un supplément d'enquête. De toute façon, le gouvernement reconnut les efforts que Stefansson avait fait pour promouvoir son plan en le nommant commissaire royal. Sa participation à la commission fut toutefois de courte durée. En mars 1920, il dut démissionner, car il demandait un bail pour sa propre entreprise de domestication du renne sur l'île de Baffin (Richard J. Dübald, *Stefansson And the Canadian Arctic*, Montréal, McGill-Queen's University press, 1978, p. 135-148).

Les audiences eurent lieu à Ottawa, du 24 janvier au 12 mai 1920.

Texte réglementaire :

Décret en conseil C.P. 1079, 20 mai 1919, en vertu de la Partie I de la Loi sur les enquêtes (S.R.C., 1906, ch. 104) et sur la recommandation du ministre de l'Intérieur.

Rapport :

Commission concernant les terres et les affaires indiennes de la Colombie-Britannique et confirmation de témoignages; RG 10, vol. 1285-1286, correspondance et ébauches du rapport de la commission; RG 10, vol. 1450, correspondance avec des mandataires indiens de New Westminster au sujet des enquêtes de la commission royale; RG 10, vol. 1566, délibérations de la commission avec des bandes indiennes de l'Agence de la côte Ouest; RG 10, vol. 11019-11028, correspondance, pièces à conviction et audiences de la commission royale; et RG 10, vol. 11064, documents relatifs à la commission royale et à ses décisions.

Non daté. Déposé à la Chambre des communes le 11 mars 1920. Document parlementaire n° 66, 1920. Intitulé *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*. Imprimé en vertu d'une ordonnance. Victoria (Colombie-Britannique). Publié par Acme Press Limited, 1916. 4 vol., 956 p. et plusieurs cartes. Ce rapport contient 98 rapports provisoires, datés du 21 mai 1913 au 27 avril 1916, cinq rapports d'étape, datés du 26 novembre 1913 au 20 décembre 1915, et le rapport général des commissaires.

Autres publications :

Cartes des réserves et agglomérations indiennes de la Collection nationale de cartes et plans. Volume I : *La Colombie-Britannique*, compilé par Linda Camponi, Diane Tardiff-Côté et Guy Poulin (Ottawa, Archives publiques du Canada, 1980), xx, 157 p., illustrations.

les commissaires, accompagnées des pleins pouvoirs pour faire de ces terres ce qui convient le mieux aux Indiens, y compris le droit de vendre lesdites terres et de mettre de côté ou d'utiliser les revenus au bénéfice des Indiens, à la seule condition que, dans l'éventualité où la tribu ou bande indienne s'etendrait à un moment ou à un autre, toutes les terres situées dans les limites territoriales de la province, qui auront été transférées au gouvernement fédéral et n'auront été ni vendues ni utilisées comme indiqué ci-dessus, ainsi que tout argent non dépensé provenant de quelque réserve indienne de Colombie-Britannique que ce soit, soient remis à la province.

7)

Tant que la commission n'a pas terminé son rapport, la province s'engage à soustraire au droit de préemption ou de vente toute terre dont elle a le droit de disposer et qui a été requise par le gouvernement fédéral à titre de terre de réserve indienne ou qui peut être désignée comme telle au cours des travaux de la Commission. Si, avant le dépôt du rapport final des commissaires, l'un des gouvernements s'apercevait que quelque terre sise dans une réserve indienne est requise à titre de droit de passage ou pour toute autre raison liée aux chemins de fer ou encore pour des travaux publics nationaux, provinciaux ou municipaux, le problème devrait être soumis aux commissaires qui régleront la question par un rapport provisoire, après quoi, les gouvernements devront faire tout le nécessaire pour mettre en oeuvre les recommandations des commissaires.

Commissaires :

Les commissaires nommés par le gouvernement fédéral étaient les suivants : Edward Ludlow Wetmore, président; Nathaniel W. White et James Andrew Joseph McKenna, James Pearson Shaw et Day Hott Macdowell étaient nommés commissaires par le gouvernement de Colombie-Britannique. En 1914, Wetmore démissionna et fut remplacé par White, puis Saumarez Carmichael fut nommé commissaire à la place de White (décret en conseil C.P. 1059, 17 avril 1914 et décret en conseil C.P. 923, 3 avril 1914).

Secrétaire :

J.G.H. Bergeron. Bergeron démissionna le 1^{er} mai 1915 et fut remplacé par C.H. Gibbons.

Documents :

Comptes rendus d'audiences, procès-verbaux de décisions relatives aux réserves et rapport des commissaires.

Voir l'instrument de recherche 33/104-111.

Autres documents :

Archives nationales du Canada, Commission concernant les terres et les affaires indiennes dans la province de la Colombie-Britannique. Documents cartographiques et architecturaux. RG 33, M104, n^o d'acquisition 78903/15, articles 1-112 consistant en documents cartographiques.

Archives nationales du Canada, Archives du ministère des Affaires indiennes, RG 10, vol. 1044-1045, ébauches du rapport de la

avec les diverses tribus et bandes indiennes de Colombie-Britannique. Ils recueilleront également les témoignages de mandataires indiens, de conseils municipaux et de Chambres de commerce. La commission reçut 253 pièces à conviction.

Texte réglementaire :

Décret en conseil C.P. 3277, 27 novembre 1912 et décret en conseil C.P. 644, 31 mars 1913, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du premier ministre. Le mandat fut élargi par le décret en conseil C.P. 1401 du 10 juin 1913. Les commissaires furent habilités à mener une enquête plus générale sur des problèmes comme les droits relatifs à l'eau ou les pêcheries, plutôt que de se borner aux questions propres aux terres autochtones.

Mandat :

1) La Commission est habilitée à revoir la superficie des réserves indiennes de Colombie-Britannique de la façon suivante :

- a) là où, de l'avis des commissaires, la réserve est plus grande que ce qui est raisonnablement nécessaire pour les besoins des Indiens de cette tribu ou localité, la réserve sera réduite, avec le consentement des Indiens, ainsi que le stipule la *Loi sur les Indiens* (S.R.C., 1906, ch. 81), à la superficie que les commissaires jugeront raisonnable pour les besoins desdits Indiens;
- b) là où les commissaires estimeront insuffisante la partie de terrain réservée aux Indiens de la localité, les commissaires détermineront la superficie qui doit être ajoutée au bénéfice des Indiens. Ils pourront également prévoir des terres pour toute bande indienne qui n'en pas encore reçu.

2) La province prendra toutes les mesures nécessaires pour allouer en toute légalité les terres supplémentaires que les commissaires assigneront aux bandes indiennes dans le cadre des pouvoirs définis ci-dessus.

3) Les terres qui, de l'avis des commissaires, ne sont pas nécessaires aux Indiens seront subdivisées et vendues par la province aux enchères publiques.

4) Le produit net de ces ventes sera réparti à parts égales entre la province et le gouvernement fédéral, lequel devra conserver ou utiliser au bénéfice des Indiens de la Colombie-Britannique tout l'argent reçu en vertu de cet alinéa.

5) Tous les débours reliés à la commission seront partagés en proportions égales entre la province et le gouvernement fédéral.

6) La province transférera au gouvernement fédéral les terres affectées aux réserves, telles qu'elles auront été désignées par

Titre :

Historique :

Commission concernant les terres et les affaires indiennes dans la province de la Colombie-Britannique, 1913-1916, 0,6 m (vol. 1-3; bobines de microfilm M-5232 à M-5236)

La plupart des réserves indiennes de Colombie-Britannique furent établies entre 1875 et 1908. Le gouvernement du Canada insista, à cette occasion, pour que des terres adéquates soient mises à la disposition des Autochtones. Toutefois, la province de la Colombie-Britannique souhaitait voir réduire la superficie des réserves et instituer un droit de réversibilité qui lui permettrait de devenir propriétaire de toute terre indienne abandonnée.

Le 24 septembre 1912, à la suite de longues négociations, une entente fut signée entre le gouvernement du Canada, représenté par J.A.J. McKenna, et le gouvernement de Colombie-Britannique, en la personne de son premier ministre, Richard McBride, entente qui devait dénouer le conflit opposant les deux gouvernements. L'accord McKenna-McBride prévoyait l'établissement d'une commission royale chargée de revoir la superficie des réserves indiennes; par ailleurs, la Colombie-Britannique acceptait d'abandonner sa revendication de droits de réversibilité, sauf en cas d'abandon de réserves. Il était en outre convenu que la province recevrait la moitié des produits de la vente des terres de réserves considérées comme superflues pour les besoins de chaque bande indienne, tandis que l'autre moitié serait conservée en fiducie par le gouvernement du Canada.

Les commissaires, nommés par lettres patentes en avril 1913, furent en outre autorisés, en juin de la même année, à préparer un rapport général sur les conditions des Indiens, accompagné de suggestions quant aux orientations futures et à l'administration des affaires indiennes dans la province de Colombie-Britannique.

Le rapport de la *Commission royale concernant les terres et les affaires indiennes dans la province de la Colombie-Britannique* fut publié en 1916. Il contenait des recommandations spécifiques à chaque réserve de la province, mais l'opposition des Autochtones retarda sa mise en application. L'Association of Allied Tribes of British Columbia, qui était formée de Salish, de Nisga et d'autres tribus côtières de Colombie-Britannique, rejeta les travaux de la commission parce qu'elle souhaitait que la question des revendications au titre des droits ancestraux fût du même coup résolue. Censément réglé, le différend suscita par ces questions et d'autres encore ressuscita à diverses reprises (*Report of the Royal Commission on Indian Affairs for the Province of British Columbia*, Victoria, Acme Press Limited, 1916, p. 1-20; *Annual Report of the Department of Indian Affairs*, Ottawa, Imprimeur de la Reine, 1924, p. 7-8; et John Taylor, *Canadian Indian Policy during Inter-War Years, 1918-1939*, [Ministère des Affaires indiennes et du Nord, Ottawa, 1983], p. 69-85).

De 1913 à 1916, les commissaires, accompagnés des inspecteurs de district du ministère des Affaires indiennes, tinrent des audiences

- Commissaires :** Hugh F. Gibson, président, Murray V. Jones et Howard E. Petch.
- Secrétaire :** Audrey Faux.
- Documents :**
- c) Dans quelle mesure le nouvel aéroport international devrait-il servir à la circulation intérieure et canado-américaine, en plus d'assumer un rôle international?
 - d) Le début de la première grande étape doit-il être fixé à 1980 ou à plus tard?
 - e) Doit-il y avoir ouverture partielle ou restreinte du nouvel aéroport international avant 1980?
 - f) De quelle nature doivent être
 - i) les voies d'accès terrestres au nouvel aéroport international et
 - ii) le transport entre l'aéroport international de Toronto (Malton) et le nouvel aéroport international, et
 - g) pour servir les passagers, faut-il établir une ou plusieurs gares au centre-ville pour l'aéroport international de Toronto (Malton) ou pour le nouvel aéroport international?

Comptes rendus d'audiences de la commission, mémoires, pièces à conviction dans la preuve du gouvernement fédéral, documents déposés à l'Assemblée législative de l'Ontario, comptes rendus d'audiences et pièces à conviction présentées en vertu de la Loi sur l'expropriation (index, vol. 24, pièce 138), documents relatifs à l'étude d'incidence de Pickering et documents connexes.

Voir l'instrument de recherche 33/103-100.

Autres documents :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1975-056 : Canada, Commission d'enquête sur l'aéroport. Vingt-sept photographies de terres agricoles autour de Claremont (Ontario), 1973.

Archives nationales du Canada, Commission d'enquête sur l'aéroport, documents cartographiques et architecturaux. RG 33, M103, n° d'acquisition 77803/19, 266 cartes, plans et dessins.

Rapport :

Non daté. Déposé à la Chambre des communes le 31 janvier 1975. Document parlementaire n° 301-4/60, 1974-1976. Intitulé *Commission d'enquête sur l'aéroport. Rapport* (Ottawa, Information Canada 1974), 27 p. Traduction d'une partie restreinte du rapport anglais intitulé *Report of the Airport Inquiry Commission* (Ottawa, Information Canada, 1974), viii, 723 p.

- Y a-t-il de nouvelles données selon lesquelles l'aéroport international de Toronto (Malton) peut être agrandi ou réaménagé à l'intérieur de ses limites actuelles de façon à répondre à tous les besoins raisonnables, eu égard aux caractéristiques des pistes, aux voies d'accès terrestres, aux possibilités d'accueil de l'aéroport et au nombre de personnes touchées par la nuisance que causera l'activité aéronautique jusqu'à dans les années 1980, 1990 et 2000?
- b) Quant à l'emplacement, y a-t-il de nouvelles données prouvant que l'emplacement sis près de Pickering (Ontario) ne convient pas au nouvel aéroport international devant desservir le marché de l'Ontario central eu égard
- i) à la nuisance due à l'activité aéronautique, aux services aux passagers,
 - iii) aux répercussions sur l'économie régionale,
 - iv) à l'effet global sur l'environnement, favorable et défavorable,
 - v) aux installations nécessaires, dont les infrastructures telles que routes, chemins de fer, voies de guidage et installations pour hélicoptères?
- c) D'une façon générale, y a-t-il de nouvelles données sur d'autres facteurs pertinents qui n'ont pas été envisagés par le gouvernement du Canada, par exemple, quant aux faits établis sur la technologie ou les habitudes de transport, qui peuvent sembler influencer sur toute décision que le gouvernement du Canada a prise à ce jour?
- 2) Recevoir les témoignages produits et en faire rapport et, au besoin, faire des recommandations dans la mesure où elles sont de la compétence législative du gouvernement fédéral, pour répondre aux questions suivantes :
- a) Le nouvel aéroport international devrait-il être avant tout international ou devrait-il avoir quelque autre rôle?
 - b) Quels secteurs de la circulation aérienne ou parties de secteurs devraient être réservés au nouvel aéroport international pendant la première grande étape afin de diminuer la nuisance que cause l'activité aéronautique à Malton?

Texte réglementaire :

Mandat :

Bien que ce mandat se révélait quelque peu restreint, la décision de Marchand d'établir une enquête publique était sans aucun doute influencée par des groupes, tels que le Conseil du canton de Pickering et le Comité « People Over Planes », qui soutenaient que la construction d'un aéroport perturberait non seulement l'environnement, mais aussi la vie des collectivités du secteur de Pickering (*Commission d'enquête sur l'aéroport, Rapport, Ottawa, Information Canada, 1974; RG 33/103, vol. 12, document 109; et Chambre des communes, Debates, 30 janvier 1973, pp. 812-815*). Les audiences des organismes eurent lieu du 20 au 22 février 1974 à Malton, Pickering et Toronto et les audiences publiques se déroulèrent du 18 mars au 21 août 1974 à Malton, Pickering, Toronto et Brougham. Les commissaires consultèrent également des spécialistes de l'industrie aéronautique de Londres, Paris, Rome, Berlin-Ouest et de différentes villes des États-Unis. La commission reçut 569 pièces à conviction.

Décret en conseil C.P. 3026, 5 octobre 1973, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du Comité du Conseil privé.

Faire enquête et rapport sur les besoins en services de transports aériens du marché de l'Ontario central de la façon suivante :

1) En ce qui a trait aux décisions selon lesquelles un nouvel aéroport international est nécessaire pour le marché de l'Ontario central et voulant que le nouvel aéroport international soit construit sur un emplacement sis près de Pickering (Ontario), recevoir et enregistrer les nouveaux témoignages, et, s'ils sont disponibles et produits, faire rapport sur ces nouveaux témoignages pour répondre aux questions suivantes :

a) Quant aux besoins,

i) Y a-t-il de nouvelles données sur le nombre maximum prévu de passagers pour les services aériens intérieurs, transfrontaliers et internationaux pour 1980, et quelles sont les prévisions les plus favorables quant aux taux de croissance après 1980?

Commission d'enquête sur l'aéroport, 1965-1974, 7,6 m (vol. 1-25)

En décembre 1968, Paul Hellyer, ministre fédéral des Transports, annonça que la superficie de l'aéroport international de Toronto à Malton ne serait pas augmentée. Seule une expansion restreinte serait autorisée, à l'intérieur des limites du terrain d'aviation actuel et en attendant que soit terminé un second aéroport international qui desservirait la région de Toronto. On entendait ainsi limiter le volume du trafic aérien, ainsi que le niveau de bruit à Malton, pour le plus grand bénéfice des habitants du secteur.

La recherche de solutions de rechange à l'aéroport de Malton amena l'examen de plus de cinquante emplacements à la lumière des critères suivants : considérations de sécurité et de techniques aéronautiques, conséquences sociales et environnementales, planification régionale, conditions d'accès pour les passagers et coûts.

Le 2 mars 1972, après plusieurs études, le ministre fédéral des Transports, Don Jamieson, et le trésorier de l'Ontario, Darcy McKeough, annoncèrent conjointement que le nouvel aéroport international de Toronto serait situé à environ trente milles au nord-ouest de la ville dans le canton de Pickering. Darcy McKeough expliqua à l'Assemblée législative de l'Ontario que l'emplacement de Pickering avait été choisi pour les raisons suivantes : tout d'abord, il s'agissait d'un excellent emplacement répondant aux impératifs de sécurité et aux autres considérations aéronautiques.

Deuxièmement, parmi tous les sites proposés, celui-ci était le plus proche de Toronto, ce qui en facilitait l'accès.

Troisièmement, du fait de sa situation relativement proche du lac Ontario et de plusieurs grandes voies de transport vers l'extérieur de Toronto, l'investissement en eau, en égouts et en infrastructures de transport et d'accès serait inférieur à ce qu'auraient nécessité les autres emplacements.

Quatrièmement, même si le nouvel aéroport était proche de Toronto, la population installée dans son voisinage immédiat était restreinte. Aucune collectivité importante ne serait gravement affectée par l'expropriation ou de très hauts niveaux de bruit et les conséquences environnementales seraient minimisées.

Enfin, considération des plus importantes à bien des égards, le projet d'implantation de l'aéroport à l'est de Toronto résultait d'un effort fédéral-provincial conjoint pour stimuler efficacement le développement de l'est de la région métropolitaine de Toronto, ainsi que le requerrait le Plan régional de développement de la région de Toronto.

Le gouvernement canadien prit donc des mesures pour l'expropriation des terrains situés sur le futur emplacement du nouvel aéroport et la Province de l'Ontario déposa des textes législatifs lui permettant

que leur rapporterait normalement telle vente ou distribution.

Commissaire :

Willard Zebedee Estey.

Secrétaire :

Arthur Simms.

Documents :

Comptes rendus d'audiences, pièces à conviction et documents de travail.

Voir l'instrument de recherche 33/102-99.

Rapport :

Date du 31 octobre 1974. N'a pas été déposé à la Chambre des communes. Intitulé *Enquête sur les bénéfices de la sidérurgie*, octobre 1974, par l'Honorable Juge Willard Z. Estey, commissaire (Ottawa, Information Canada, 1975), viii, 172 p.

Titre :

Historique :

Enquête sur les bénéfices de la sidérurgie, 1970-1974, 0.4 m (vol. 1-4)

Au début de mai 1974, la Steel Company of Canada Ltd. (Stelco) informa le gouvernement canadien de son intention de hausser d'environ un tiers le prix des produits de l'acier, et ce à compter du 15 mai. Bien que le gouvernement ait été défait au Parlement et qu'une élection ait été fixée au 8 juillet, le ministre fédéral de l'Industrie et du Commerce, Alastair Gillespie, rencontra le président de la Stelco, Peter Gordon, le 13 mai, et le pressa de différer la date des augmentations. Gordon refusa et les hausses de tarif entrèrent en vigueur comme prévu. Presque aussitôt, Algoma Steel Corporation Ltd. et Dominion Foundaries and Steel Ltd. (Dofasco) augmentèrent leurs prix.

Devant les conséquences que pouvaient avoir ces augmentations sur l'économie canadienne, le gouvernement établit une enquête publique chargée de les étudier et de déterminer si des profits excessifs étaient en jeu.

Cette enquête a manifestement été établie pour des raisons essentiellement politiques. Elle vit le jour au début d'une campagne électorale fédérale qui s'articulait autour du thème de l'inflation (RG 33/102, vol. 4, dossiers intitulés « Articles généraux, audiences de l'enquête »; et « Articles généraux, industrie sidérurgique »).

La commission tint ses audiences du 13 juin au 18 septembre 1974, à Sydney, Montréal, Toronto, Winnipeg, Regina et Vancouver. Elle reçut 95 pièces à conviction.

Décret en conseil C.P. 1177, 22 mai 1974, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1970, ch. I-13) et sur la recommandation du ministre de l'Industrie et du Commerce.

Mandat:

Faire enquête et rapport sur la hausse du prix des produits de l'acier que la Steel Company of Canada a mise en vigueur le 15 mai 1974, ainsi que sur toute hausse que pourra annoncer tout autre producteur de fer primaire et de produits de l'acier, et pour établir si, grâce à ces hausses, lesdits producteurs retirent de la vente ou de la distribution de ces produits des profits supérieurs à ceux que leur rapporterait normalement une telle vente ou distribution; et, en outre, pour déterminer si les producteurs de fer primaire et de produits de l'acier

i) retirent de la vente ou de la distribution de ces produits des profits supérieurs à ceux que leur rapporterait normalement une telle vente ou distribution; ou

ii) refusent de vendre ou de distribuer des stocks qui sont sensiblement plus considérables que ceux qu'ils garderaient ou feraient normalement garder, ou en empêchent la vente ou la distribution, dans l'intention de les vendre ou de les distribuer plus tard en faisant des profits supérieurs à ceux

Rapports :

1-7, dossiers du bureau du ministre portant sur le travail de la Commission d'enquête sur l'usage non médical des drogues, 1969-1971; vol. 1539-1540, dossiers 1003-L1-1 et 1003-L1-2, 1969-1974, documents provenant du bureau du ministre qui traitent de la Commission LeDain et comprend un « Rapport interne » sur la commission; et vol. 1581-1584, dossier 1018-5-4 à 1018-7-7, dossiers du bureau du ministre relatifs à l'usage de drogues, telles que l'alcool, l'héroïne et le cannabis, 1970-1975.

Rapport provisoire. Date du 6 avril 1970. Déposé à la Chambre des communes le 19 juin 1970. Document parlementaire n° 282-4/105, 1969-1970. Intitulé *Rapport provisoire de la Commission d'enquête sur l'usage des drogues à des fins non médicales* (Ottawa, Imprimeur de la Reine, 1970), 623 p. et annexes A-F.

Rapport sur le traitement. Date du 21 janvier 1972. N'a pas été déposé à la Chambre des communes. Intitulé *Le traitement. Rapport de la Commission d'enquête sur l'usage des drogues à des fins non médicales* (Ottawa, Information Canada, 1972), vi, 127 p.

Rapport sur le cannabis. Non daté. Déposé à la Chambre des communes le 17 mai 1972. Document parlementaire n° 284-4/105, 1972. Intitulé *Le Cannabis. Rapport de la Commission d'enquête sur l'usage des drogues à des fins non médicales* (Ottawa, Information Canada, 1972), v, 427 p.

Rapport final. Date du 14 décembre 1973. Déposé à la Chambre des communes le 14 décembre 1973. Document parlementaire n° 291-4/105, 1973-1974. Intitulé *Rapport final de la Commission d'enquête sur l'usage des drogues à des fins non médicales* (Ottawa, Information Canada, 1973), iii, 1160 p.

Publications :

Les divers rapports de la commission contiennent des références à des publications sur l'usage non médical des drogues.

e) enquêter sur les voies ou moyens par lesquels le gouvernement fédéral peut intervenir, seul ou en collaboration avec les autres ordres de gouvernement, en vue de réduire l'ampleur des problèmes associés à un tel usage.

Gérald Le Dain, président; Ian Lachlan Campbell; Heinz E. Lehmann, J. Peter Stein et Marie-Andrée Bertrand. André Lussier, qui avait été nommé membre de la commission à l'origine, démissionna le 25 juin 1969 et fut remplacé par Marie-Andrée Bertrand (Décret en conseil, C.P. 1961, 10 octobre 1969).

James J. Moore. Après la démission de Moore, à l'automne 1972, ses tâches ont été confiées à Frederick Brown et C. Michael Bryan.

Comptes rendus d'audiences, mémoires, travaux de recherche et documents de travail, coupures de presse, brouillons du rapport de la commission, procès-verbaux de réunions et de conférences, correspondance et documents connexes.

Voir l'instrument de recherche 33/101-98 qui comprend un index sur fiches.

Documents (TED) :

Neuf fichiers de données produites à l'intention de la commission pour l'aider à déterminer l'ampleur, les schémas et les effets de l'usage non médical des drogues au Canada, ainsi que la perception et les attitudes face aux drogues et à leur consommation (RG 33/101, n°s d'acquisition G0000036 à G0000038 et G0000114 à G0000119).

Autres documents :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1969-190 : Canada. Commission d'enquête sur l'usage non médical des drogues. Trois photographies de la commission en séance, 1969; Acquisition 1976-031 : Canada. Commission d'enquête sur l'usage non médical des drogues. 1 354 photographies sur les sujets suivants, 1969-1972 : l'état des yeux des toxicomanes sur une période de deux mois; peintures et dessins de toxicomanes; travailleurs de prévention spécialisée qui ont pu être employés par la commission; et Acquisition 1980-005 : Canada. Commission d'enquête sur l'usage non médical des drogues. Onze photographies de festivals rock en Ontario, n.d.

Archives nationales du Canada, Commission d'enquête sur l'usage non médical des drogues. Documents audio-visuels. Bandes sonores d'audiences et de symposiums internationaux portant sur le travail de la commission, 1969-1971, environ 100 h., n° d'acquisition 1974-0076; bandes sonores et cassettes d'interviews, d'audiences et de programmes radiophoniques relatifs aux travaux de la commission, 1970-1971, environ 80 h., n° d'acquisition 1976-0020; et cassettes sonores de séminaires sur l'éducation et d'interviews d'élèves traitant des travaux de la commission, 1969-1970, environ 3 h., n° d'acquisition 1979-0080.

Archives nationales du Canada, Archives du ministère de la Santé et du Bien-être social, RG 29, vol. 1280-1281, dossier 55-10-2, parties

médicales [Ottawa, Imprimeur de la Reine, 1970] et décret en conseil, C.P. 112, 29 mai 1969.)

La commission tint ses audiences du 16 octobre 1969 au 20 novembre 1970, ainsi que le 19 février 1971, dans les capitales des dix provinces du Canada, de même qu'à Saint John, Moncton, Sackville, Trois-Rivières, Sherbrooke, Lennoxville, Montréal, Sept-Îles, Baie-Comeau, Ottawa, Kingston, Sudbury, London, Thunder Bay, Hamilton, Windsor, Saskatoon, Calgary et Vancouver. Au nombre de ces audiences figurèrent aussi des séances parallèles dans plusieurs universités et dans des cafés de Montréal, Toronto et Vancouver.

En outre, des audiences à huis clos eurent lieu avec la Gendarmerie royale du Canada, la Fondation de la recherche sur l'alcoolisme et la toxicomanie, l'Association du barreau canadien, l'Association médicale canadienne et d'autres associations. La commission a également bénéficié du concours d'un certain nombre d'organismes et de particuliers oeuvrant dans le domaine de l'utilisation non médicale des drogues, comme, par exemple, des spécialistes de l'application des lois et des porte-paroles de centres de traitement au Canada, aux États-Unis, en Grande-Bretagne et dans d'autres pays.

La commission a reçu 507 mémoires officiels et de très nombreuses lettres.

Texte réglementaire :

Mandat :

Faire enquête et rapport sur les facteurs déterminants ou sur les causes connexes de l'usage des drogues et des produits à des fins non médicales et, en particulier :

a) obtenir les données et renseignements constituant la somme actuelle des connaissances touchant l'usage, à des fins non médicales, des sédatifs, des stimulants, des tranquillisants, des hallucinogènes et autres drogues psychotropes ou substances de même nature;

b) faire rapport sur l'état actuel des connaissances médicales touchant l'effet des drogues et des substances mentionnées au sous-alinéa a);

c) enquêter et faire rapport sur les mobiles de l'usage non médical mentionné au sous-alinéa a);

d) enquêter et faire rapport sur les facteurs sociaux, économiques, éducationnels et philosophiques liés à l'usage, à des fins non médicales, des drogues et des substances mentionnées au sous-alinéa a), notamment au sujet de l'ampleur de ce phénomène, des facteurs sociaux qui leur ont donné naissance, des groupes d'âge en cause et des problèmes de communication;

Titre :

Commission d'enquête sur l'usage des drogues à des fins non médicales, 1957-1973, 40 m (vol. 1-171; bobines de microfilm M-4219 à M-4232; n° d'acquisition 1977-78/207 et 1980-81/014, 13,7 m, boîtes 1-23 et 1-22; comprend également des documents électroniques)

Historique :

Les années 1960 ont été marquées par un accroissement soudain de l'offre et de l'utilisation de certaines substances psychotropes (qui altèrent les facultés mentales), tels que les sédatifs, barbituriques et somnifères; les tranquillisants, dont la chlorpromazine; les stimulants, y compris les amphétamines et la cocaïne; et des substances psychédéliniques-hallucinogènes, dont le cannabis (marijuana et hachisch), le LSD, la psilocybine et la mescaline.

À la même époque se propagea l'habitude d'inhaler les vapeurs de certains solvants, comme la colle, le dissolvant de vernis à ongles et les détergents liquides.

Comme l'utilisation de substances illégales se répandait, le nombre d'arrestations liées à la toxicomanie et, en particulier, au cannabis augmenta considérablement. Cette situation suscita énormément de discussions relativement à la loi et à son application dans les cas d'usage non médical de drogues.

Jusqu'aux années 1960, les recherches avaient essentiellement porté sur l'alcool, le tabac et les narcotiques opiacés (opium et héroïne). D'autre part, on savait relativement peu de choses sur la consommation de LSD et de cannabis, et l'information sur l'utilisation non médicale des médicaments d'ordonnances, tels que les tranquillisants et les amphétamines, était insuffisante.

Préoccupé par l'usage de substances illicites et conscient de la nécessité d'obtenir de plus amples renseignements sur certaines d'entre elles, le ministre fédéral de la Santé et du Bien-être social, John Munro, annonça, le 1^{er} mai 1969, à la Chambre des communes, la nomination d'une commission d'enquête sur l'usage des drogues à des fins non médicales.

La commission devait se pencher en particulier sur les substances psychotropes aux effets sédatifs, stimulants, tranquillisants ou hallucinogènes. Selon les commissaires, la principale tâche consistait à déterminer les motivations de l'usage non médical des drogues et de les situer dans leur contexte social et philosophique. Il semblait nécessaire aux commissaires de considérer non seulement les effets, l'ampleur et les causes d'un tel phénomène, mais aussi toute la gamme de réactions et d'attitudes sociales qu'un tel comportement provoquait au sein du gouvernement, au sein d'autres organismes et chez les particuliers. L'usage non médical des drogues et la réponse sociale à cette consommation étaient, de l'avis des commissaires, des phénomènes interactifs et interdépendants. (*Rapport provisoire de la Commission d'enquête sur l'usage des drogues à des fins non*

Rapport :

Il n'existe pas d'instrument de recherche pour ces documents.

Rapport provisoire daté du 19 mai 1931. N'a pas été déposé à la Chambre des communes. Une version dactylographiée et signée intitulée « An Interim Report of James Gamble Wallace, Commissioner, appointed on the 7th day of February 1931, to enquire into and report upon all cases referred to him by the Secretary of State of Canada regarding the revocation of Naturalization Certificates », 22 p., est jointe au décret en conseil, C.P. 1324, 10 juin 1931 (Archives nationales du Canada, Archives du Bureau du Conseil privé, RG 2, 1, vol. 1486).

Aucun autre rapport n'a pu être localisé.

Titre :

Commission royale sur la naturalisation, 1931, 0,1 m (vol.1)

Historique :

Avant 1947, la *Loi de naturalisation* conférait la nationalité britannique aux personnes résidant au Canada de par leur naissance ou par naturalisation. On appelait sujets britanniques naturels les personnes nées au Canada ou dans quelque autre territoire ou dominion britannique et qui s'étaient installées au Canada. On désignait par sujets britanniques naturalisés les étrangers qui arrivaient au Canada et qui devenaient sujets britanniques par naturalisation.

En vertu de l'article 9 de la *Loi de naturalisation* (S.R.C., 1927, ch. 138), le gouverneur en conseil pouvait, sur la foi d'un rapport du Secrétaire d'Etat, révoquer un certificat de naturalisation en vigueur au Canada pour les raisons suivantes : faire du commerce avec l'ennemi, purger une peine d'emprisonnement, avoir mauvaise réputation, avoir résidé hors d'un dominion ou d'un territoire britannique pendant sept ans ou plus, ou être sujet d'un pays ennemi.

Avant la révocation, le secrétaire d'Etat du Canada pouvait recommander au gouverneur en conseil de nommer une commission d'enquête en vertu des dispositions de la *Loi de naturalisation* et de la Partie I de la *Loi sur les enquêtes*.

En février 1931, James Gamble Wallace fut nommé commissaire. En effet, des allégations aient été faites auprès de C.H. Cahon, secrétaire d'Etat, voulant que certaines personnes aient obtenu des certificats de naturalisation par des moyens frauduleux (S.R.C., 1927, ch. 138; Décret en conseil C.P. 267, 7 février 1931; et « Rapport provisoire de James Gamble Wallace, commissaire, nommé le 7^e jour de février 1931, pour faire enquête et rapport sur tous les cas à lui soumis par le secrétaire d'Etat du Canada en vue de la révocation de certificats de naturalisation »).

La commission tint ses audiences à Montréal du 20 au 30 avril 1931, et à Ottawa, le 18 mai 1931.

Texte réglementaire :

Décret en conseil C.P. 267, 7 février 1931, en vertu de l'Acte de naturalisation (S.R.C., 1927, ch. 138), de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1927, ch. 99) et sur la recommandation du secrétaire d'Etat.

Mandat :

Faire enquête et rapport sur tous les cas soumis au commissaire par le secrétaire d'Etat du Canada en vue de la révocation de certificats de naturalisation.

Commissaire :

James Gamble Wallace.

Documents :

Comptes rendus des audiences de Montréal, avec un index des normes propres.

trouva donc investi d'un mandat plus vaste pour enquêter sur les circonstances entourant la venue de travailleurs italiens à Montréal (*Commission royale d'enquête sur l'immigration de journaliers italiens à Montréal et sur les procédés frauduleux des bureaux de placement*, Rapport du commissaire et preuve. Ottawa, 1905; et Division des archives gouvernementales, Collection de l'inventaire général, Archives du ministère du Travail (RG 27), John Smart, Archives nationales du Canada, ministre des Approvisionnement et Services, 1988, p. 5 et 6).

La commission tint ses audiences à Montréal du 30 juin au 26 juillet 1904. Elle reçut plus de soixante pièces à conviction.

Texte réglementaire :

Décret en conseil C.P. 1230, 20 juin 1904, en vertu de l'Acte concernant les enquêtes dans les affaires publiques (S.R.C., 1886, ch. 114) et sur la recommandation du ministre du Travail. Ce décret étendait le mandat octroyé au juge Winchester par le décret en conseil C.P. 997, 23 mai 1904.

Mandat :

Faire enquête et rapport sur les circonstances qui ont incité des travailleurs italiens venant d'autres pays à immigrer à Montréal durant l'année en cours, sur les personnes engagées directement ou indirectement dans cette incitation à l'immigration, ainsi que sur les moyens et les méthodes adoptés pour provoquer cette immigration.

Commissaire :

John Winchester.

Documents :

Correspondance du juge Winchester, d'Antonio Cordasco, d'Alberto Dini, etc.; coupures de presse et exemplaires de *La Patria Italiana*, *Corriere del Canada* et *Giuseppe Garibaldi*; brochures de la Société italienne d'aide à l'immigration, annonces, incluant les dates de départ des bateaux de passagers, et documents connexes. On peut également consulter ces documents sur microfilm.

Voir l'instrument de recherche 33/99-97.

Autres documents :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1979-312 : Canada. Commissions royales d'enquête, 1904. Comprend une photographie d'Antonio Cordasco, Montréal (Québec), 1904.

Rapport :

Date du 24 mars 1905. Déposé à la Chambre des communes le 19 mai 1905. Document parlementaire n° 36b, 1905. Intitulé *Commission royale nommée pour s'enquérir de l'immigration des journaliers italiens et des procédés frauduleux des bureaux de placement*. Rapport du commissaire et preuve (Ottawa, Imprimeur du Roi, 1905), 183 p.

Publications :

Commission royale chargée de faire une enquête sur le prétendu emploi d'étrangers pour faire les explorations relatives au chemin de fer Grand-Tronc-Pacifique projeté. Rapport du Commissaire (Ottawa, Imprimeur du Roi, 1905).

Titre :

Historique :

Commission royale d'enquête sur l'immigration de journalistes italiens à Montréal et sur les procédés frauduleux des bureaux de placement. 1903-1905, 0,2 m (vol. 1-2; microfilm T-3473)

Au début de 1904, le gouvernement reçut des plaintes relatives à l'afflux considérable de travailleurs italiens à Montréal. Ils venaient attirés par la perspective qu'on leur faisait miroiter d'être immédiatement employés à la construction du Grand Trunk Pacific Railway, mais beaucoup d'entre eux ne trouvaient pas de travail. En avril 1904, le ministre adjoint du Travail institua une enquête sur cette question en vertu de l'*Acte concernant les conflits de travail dans les chemins de fer* (2 Edw. VII, ch. 55).

Le 23 mai 1904, à la suite de cette première investigation, le gouvernement du Canada établit une commission royale chargée de faire enquête sur les allégations d'emploi d'étrangers pour les levés de terrain réalisés pour le Grand Trunk Pacific Railway (ces levés devaient servir au futur chemin de fer national transcontinental).

Depuis un certain nombre d'années, on recrutait des journalistes italiens pour travailler à la construction de voies ferrées et à d'autres travaux publics au Canada. Depuis 1901, par exemple, George E. Burns, responsable du Département des services spéciaux à la Compagnie de chemins de fer du Canadien Pacifique, recrutait des immigrants italiens pour travailler pour cette société. Ils étaient embauchés par l'entremise d'ententes conclues avec Antonio Cordasco de Montréal, qui se disait agent du Canadien Pacifique au Canada. En 1904, Cordasco annonça dans deux journaux italiens de Montréal, *La Patria Italiana* et *Corriere del Canada*, qu'on avait besoin de 10 000 travailleurs italiens au Canada. Cordasco envoyait des copies de ces journaux en Italie et il avait pris des arrangements avec des agents en Italie et aux États-Unis pour recruter le nombre d'ouvriers requis.

On alléguait qu'à leur arrivée au Canada, les immigrants ne pouvaient obtenir un emploi au Canadien Pacifique sans avoir d'abord payé une redevance à Cordasco pour l'emploi promis. De plus, on disait que M. Burns refusait d'employer dans sa société des Italiens qui n'avaient pas fait d'arrangements avec Cordasco. Une des preuves présentées à la commission montrait qu'en mai 1904, il y eut au moins 6 000 immigrants italiens à Montréal et que beaucoup d'entre eux n'avaient aucune possibilité de trouver du travail auprès de cette compagnie de chemins de fer. Cette situation jetait les nouveaux arrivants dans une misère sans précédent. Elle causait également beaucoup de mécontentement parmi la classe ouvrière de Montréal, où le marché du travail était sursaturé.

Le 20 juin 1904, devant l'intensification du mécontentement, le gouvernement du Canada décida d'étendre le mandat du juge Winchester, commissaire chargé d'enquêter sur les pratiques d'embauche de la compagnie Grand Trunk Pacific Railway. Il se

La commission tint ses audiences à Ottawa, du 13 janvier au 26 mai 1921, et à Montréal, le 28 mai 1921.

Texte réglementaire :

Décret en conseil C.P. 3208, 27 décembre 1920, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1906, ch. 104) et sur la recommandation du Secrétaire d'Etat. Le mandat a été étendu par le décret C.P. 7 du 10 janvier 1921.

Mandat :

Faire enquête et rapport sur toutes les circonstances entourant la remise à Florence et Fils et la destruction d'une grande quantité de publications conservées à la Direction de la distribution du Bureau de l'imprimerie nationale; et sur les détails de toutes les publications et de tout l'équipement achetés, vendus ou aliénés par le Bureau de l'imprimerie depuis le 1^{er} janvier 1919.

Commissaires :

Colin George Snider.

Documents :

Comptes rendus d'audiences, pièces à conviction, correspondance, coupures de presse, rapports du Comité de rédaction des publications gouvernementales, un exemplaire du rapport provisoire et du rapport final de la commission.

Il n'existe pas d'instrument de recherche pour ces documents.

Rapports :

Rapport provisoire. Daté du 10 mars 1921. Déposé à la Chambre des communes le 3 juin 1921. Document parlementaire n° 184, 1921. N'a pas été imprimé. Les archives de la commission contiennent un rapport dactylographié intitulé « An Inquiry under Royal Commission into the Disposition of a Quantity of Publications from the Distribution Branch of the Government Printing Bureau, Department of Public Printing and Stationery, Report of Colin George Snider, Commissioner », 16 feuilles.

Rapport final. Daté du 6 juin 1921. N'a pas été déposé à la Chambre des communes et n'a pas été imprimé. Les archives de la commission contiennent un rapport dactylographié intitulé « An Inquiry under Royal Commission into the particulars of all Material and Equipment Purchased, sold or otherwise disposed of from the Government Printing Bureau since the 1st of January 1922 », 21 feuilles.

Titre :

Historique :

Commission chargée d'enquêter sur les circonstances de l'aliénation d'imprimés au Bureau de distribution de l'imprimerie nationale et d'étudier tous les détails concernant les documents et l'équipement achetés, vendus ou aliénés à l'imprimerie nationale depuis le 1^{er} janvier 1919, 1919-1923, 0,3 m (vol. 1-3)

Le 15 mars 1918, la Commission de la Fonction publique a confié à la firme Arthur Young and Company le mandat de faire une étude du ministère de l'imprimerie nationale. Les experts-conseils recommandèrent le transfert du Bureau de distribution, où étaient conservés les stocks de publications du gouvernement, au Bureau de l'imprimerie. Avant le déménagement du Bureau de distribution, il fallait éliminer une grande quantité de publications invendues ou désuètes.

Créé en 1917, le Comité de rédaction des publications gouvernementales avait reçu, par un décret du 10 mars 1920, la responsabilité de superviser l'élimination des publications devenues inutiles au Bureau de distribution et dans d'autres ministères du gouvernement.

Le Comité de rédaction décida de répartir les surplus entre diverses bibliothèques universitaires, législatives et publiques, dans tout le Canada. Certaines publications furent distribuées de cette façon, mais une très grande quantité était restée au Bureau de distribution. Le Comité de rédaction dressa un inventaire des documents et, en juillet 1920, il expédia une circulaire à diverses bibliothèques canadiennes, leur demandant de choisir les publications qui les intéressaient. Plusieurs établissements envoyèrent donc des commandes.

Avant que ces commandes aient pu être remplies, le comité apprit, en septembre 1920, que les documents en surplus, soit 152 tonnes ou environ 100 000 publications, avaient été détruits par A.L. Florence et Fils, entrepreneur chargé par le gouvernement de la collecte des vieux papiers. Certains de ces documents, dont le Hansard, les documents parlementaires, les Journaux et Débats de la Chambre des communes et du Sénat, des lois, des rapports ministériels et d'autres publications gouvernementales, dataient d'avant la Confédération.

Le 7 octobre 1920, le Comité de rédaction recommanda que le rapport sur les circonstances entourant l'élimination des publications du gouvernement du Canada établisse une enquête publique pour faire (« Enquête de la Commission royale sur l'élimination d'une certaine quantité de publications conservées au Bureau de distribution de l'imprimerie nationale, Rapport de Colin George Snider, commissaire » et Rapport spécial du Comité de rédaction des publications gouvernementales au Sous-comité du Conseil des publications gouvernementales, 7 octobre 1920, RG 33/98, vol. 2, dossier 5).

Archives nationales du Canada, Archives du Conseil national du travail en temps de guerre, RG 36/4, vol. 33, dossiers 909-1-42-0, qui contiennent un rapport montrant les répercussions des hausses de salaires et des congés payés sur l'impôt sur le revenu et les charges du Conseil du Trésor. Ces archives comprennent également un exemplaire du rapport provisoire et du rapport final de la Commission royale d'enquête sur les salaires des houillères de l'Alberta et de la Colombie-Britannique.

Rapport intermédiaire. Daté du 17 novembre 1943. N'a pas été déposé à la Chambre des communes. Intitulé *Premier rapport intermédiaire de la Commission royale instituée par lettres patentes du 14 octobre 1943, conformément à la minute d'une réunion du Conseil privé, approuvée par son Excellence le Gouverneur général le 14 octobre 1943, soit l'arrêt C.P. 8020, La Gazette du Travail*, vol. XLIII, n° 12 (décembre 1943), p. 1725-1729.

Rapport final. Daté du 24 janvier 1943. N'a pas été déposé à la Chambre des communes. On trouvera aux Archives nationales du Canada, Archives du Conseil national du travail en temps de guerre, RG 36/4, vol. 33, dossier 909-1-42, une copie dactylographiée intitulée « Final Report of the Royal Commission appointed under Letters Patent of the 14th day of October, A.D. 1943, pursuant to a Minute of Meeting of the Privy Council, approved by His Excellency the Governor General, on the 14th day of October 1943, being P.C. 8020 », 9 p.

Autres documents :

Rapports :

celle-ci n'avait pas à faire rapport directement au Conseil national du travail en temps de guerre.

Pour résoudre ce problème, le ministre du Travail invita les dirigeants des MUA à une conférence, la première semaine de novembre 1943, à Ottawa. Le syndicat accepta de rencontrer le ministre, mais il envoya néanmoins des avis de grève et, le 31 octobre, les travailleurs des mines de charbon, représentant quelque 8 500 hommes en Alberta et en Colombie-Britannique, déclenchèrent la grève.

Le 6 novembre, le ministre du Travail et l'UMVWA parvenaient à un accord. Les mineurs retourneraient au travail et la commission royale aurait les pouvoirs d'un Conseil régional du travail en temps de guerre pour enquêter sur les demandes syndicales. Cette entente accordait aux mineurs et aux exploitants miniers le droit d'interjeter appel des recommandations de la commission royale auprès du Conseil national du travail en temps de guerre. Conformément à l'entente, la commission royale reprit ses travaux le 10 novembre 1943 et, le 15 novembre, tous les travailleurs étaient de retour au travail (*Labour Gazette*, vol. XLIII, octobre 1943, p. 1371-1372, novembre 1943, p. 1520-1521 et décembre 1943, p. 1632-1635).

La commission tint ses audiences à Calgary et à Edmonton, du 29 octobre 1943 au 18 janvier 1944.

Texte réglementaire :

Décret en conseil C.P. 8020, 14 octobre 1943, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1927, ch. 99) et sur la recommandation du ministre du Travail. Par le décret en conseil C.P. 8620, 10 novembre 1943, la commission reçut les pouvoirs et l'autorité d'un Conseil régional du travail en temps de guerre constitué en vertu de l'Ordonnance de contrôle des salaires en temps de guerre.

Mandat :

Faire enquête sur les taux de rémunération offerts aux personnes employées dans l'exploitation des mines de charbon des provinces de l'Alberta et de la Colombie-Britannique et sur toutes les questions relevant de l'application de l'Ordonnance de contrôle des salaires en temps de guerre (Décret en conseil C.P. 5963 du 10 juillet 1942) ou affectant cette application; faire rapport au ministre du Travail et au Conseil national du travail en temps de guerre et recommander des mesures applicables compte tenu des principes et dispositions de l'Ordonnance de contrôle des salaires en temps de guerre selon le bon jugement des commissaires.

Commissaires :

G.B. O'Connor, président, T.W. Laidlaw et L.D. Hyndman.

Secrétaire :

F.E. Harrison.

Documents :

Comptes rendus d'audiences accompagnés d'un index.

Il n'existe pas d'instrument de recherche pour ces documents.

Commission royale instituée pour faire enquête sur les demandes des houillères de l'Ouest canadien, 1943-1944, 0,1 m (vol. 1)

Historique :

Le 21 septembre 1943, les travailleurs des mines de charbon bitumineux d'Alberta et de Colombie-Britannique décidaient de faire la grève. Représentés par la section locale 18 des Mineurs Unis d'Amérique (MUA), les mineurs demandaient des hausses de salaire, deux semaines de congés payés et des heures supplémentaires après la semaine de cinq jours. Les MUA soutenaient que les salaires des mineurs de la section locale 18 étaient inférieurs à ceux des mineurs américains et que les travailleurs quittaient la mine pour aller travailler dans d'autres industries offrant de meilleurs salaires.

La Western Canada Bituminous Coal Operators Association refusa de négocier avec les MUA, parce qu'en vertu de l'Ordonnance sur le contrôle des salaires en temps de guerre, seul le Conseil national du travail en temps de guerre était habilité à enquêter sur les conditions salariales et les relations du travail au Canada.

Les salaires des mineurs, qui avaient été établis par une entente en mai 1938, révisés en avril 1940 et août 1941, devaient demeurer en vigueur encore un an après la Seconde Guerre mondiale. Les MUA n'avaient pas envoyé de demande de révision des salaires au Conseil national du travail en temps de guerre.

Le ministère du Travail tenta en vain de ménager une rencontre entre les exploitants des mines de charbon et les dirigeants syndicaux pour négocier les différends qui les opposaient. En outre, le ministère pressa les MUA d'envoyer au Conseil national du travail en temps de guerre une demande d'examen de ses revendications. Les MUA, pour leur part, insistaient sur le fait qu'ils déclencheraient la grève si les salaires des mineurs n'étaient pas améliorés. Une grève dans l'industrie houillère amènerait des pénuries de combustible regrettables en hiver. De plus, le gouvernement considérait le charbon comme une matière première essentielle à la production de munitions, et il était bien déterminé à maintenir un approvisionnement suffisant.

Le 27 septembre, Humphrey Mitchell, ministre du Travail, nomma G.B. O'Connor du Conseil national du travail en temps de guerre, section de l'Ouest, et F.E. Harrison du ministère du Travail, commissaires chargés de l'enquête sur le conflit de travail afin qu'ils enquêtent sur le différend. Leur tentative pour éviter la grève échoua toutefois, et les mineurs décidèrent de débayer le 15 octobre. Le 14 octobre, le gouvernement ayant institué une commission royale présidée par G.B. O'Connor pour étudier les taux de rémunération des mineurs de l'Alberta et de la Colombie-Britannique, la grève fut remise à plus tard. Cependant, la commission avait à peine commencé ses travaux qu'elle dut les suspendre. Le 29 octobre, Robert Livett, président de la section locale 18 des MUA, téléphona au ministre du Travail pour l'informer que les mineurs se mettraient en grève si on n'ajoutait pas au décret établissant la commission la mention que

particulier, d'examiner complètement tous les rapports soumis au gouvernement ou à tout membre du gouvernement de l'époque et toute preuve déposée devant eux à cet égard ainsi que toute autre preuve découverte par le Commissaire ou à lui soumise.

Commissaire :

Wishart Flett Spence.

Secrétaire :

J.J. Pierre Benoit.

Documents :

Comptes rendus d'audiences publiques et à huis clos; pièces à conviction, correspondance, coupures de presse et articles de revues; un exemplaire du rapport du commissaire et notes sur l'enquête.

Voir l'instrument de recherche 33/96-96.

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14, D2, vol. 1800, Document parlementaire n° 240b, 1966-1967, correspondance du ministre de la Citoyenneté et de l'immigration relative à la demande d'immigration de Gerta Munsinger, 1951-1955.

Archives nationales du Canada, Commission royale d'enquête sur des questions concernant une certaine Gerta Munsinger. Documents audio-visuels. Enregistré ment sonore d'une conférence de presse présentée par Lucien Cardin, ministre de la Justice, le 10 mars 1966, relativement à l'affaire Munsinger, n° d'acquisition 1971-0013.

Rapport :

Date de septembre 1966. Déposé à la Chambre des communes le 5 octobre 1966. Document parlementaire n° 240a, 1966-1967. Intitulé *Rapport de la Commission d'enquête sur certaines questions relatives à la dénommée Gerta Munsinger*. L'Honorable Juge Wishart Flett Spence, commissaire, septembre 1966 (Ottawa, Imprimeur de la Reine, 1966), 102 p.

En novembre 1964, le premier ministre Lester B. Pearson demanda à la GRC des informations sur toutes les enquêtes touchant à la conduite des députés ou des ministres dans l'accomplissement de leurs fonctions au cours des dix dernières années. La GRC remit donc au premier ministre une copie de leur rapport sur Munsinger et on n'entendit plus parler de cette affaire avant le début de 1966.

Le 4 mars 1966, dans un débat à la Chambre des communes sur l'attitude du gouvernement face à une question de sécurité qui impliquait George Victor Spencer, le ministre de la Justice, Lucien Cardin rappela ce qu'il appela erronément l'affaire « Monseigneur ». Lors de débats subséquents aux Communes et, le 10 mars, dans une conférence de presse, Cardin accusa Diefenbaker d'avoir négligé, étant premier ministre, de transmettre le rapport de la GRC sur l'affaire Munsinger au ministère de la Justice pour obtenir des avis. En outre, Cardin affirma que le gouvernement Diefenbaker n'avait pas fait le nécessaire dans une affaire susceptible de porter atteinte à la sécurité nationale. Cardin demanda que cette affaire et les autres allégations relatives aux relations d'anciens ministres du gouvernement Diefenbaker avec Munsinger, fassent l'objet d'une enquête judiciaire. Le 14 mars 1966, le gouvernement du Canada établissait la Commission royale d'enquête chargée d'enquêter et de faire rapport sur l'affaire Munsinger (*Rapport de la Commission d'enquête sur certaines questions relatives à la dénommée Gerta Munsinger*, Ottawa, Imprimeur de la Reine, 1966; Chambre des communes, *Debates* 4, 7 et 11 mars 1966, p. 2211, 2299, 2542 et 2545 et conférence de presse sur l'affaire Munsinger tenue par Lucien Cardin le 10 mars 1966).

La commission tint des audiences publiques et des audiences à huis clos à Ottawa, du 6 avril au 24 mai 1966. Elle reçut 31 pièces à conviction.

Texte réglementaire :

Décret en conseil C.P. 482, 14 mars 1966, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur une déclaration du ministre de la Justice au premier ministre, dans une lettre du 11 mars 1966, à propos d'une affaire mettant en cause une certaine Gerta Munsinger, laquelle lettre a été lue à la Chambre des communes le 11 mars 1966; sur toutes les déclarations faites à la Chambre des communes les 4 et 7 mars 1966 concernant cette affaire; et sur toutes les déclarations du ministre de la Justice lors d'une conférence de presse le 10 mars 1966, lesquelles, entre autres, comprenaient des déclarations au sujet de personnes impliquées dans cette affaire, du défaut de demander l'avis des conseillers juridiques du ministère de la Justice, ainsi que de circonstances qui peuvent avoir constitué un danger pour la sécurité du Canada, et suivant lesquelles déclarations l'on ne s'est pas occupé de cette affaire comme il se devait; de s'enquérir si l'on a traité cette affaire selon les règles et principes qui s'appliquent normalement aux personnes ayant accès aux renseignements confidentiels, et de faire enquête sur toutes les circonstances pertinentes qui y ont trait et, en

Commission d'enquête sur des questions concernant une certaine Gerta Munsinger, 1966, 0,6 m (vol. 1-6)

Le 28 juin 1960, Gerta Munsinger demandait la citoyenneté canadienne. Conformément aux procédures, sa demande était transmise à la GRC pour contrôle de sécurité. Après enquête, la GRC découvrit qu'une certaine Gerta Heselér (aussi connue sous le nom Gerta Munsinger) s'était vu refuser un visa d'immigration au Canada en 1952, du fait de ses activités d'espionne. Elle avait également été accusée de prostitution, de vol et de contrebande. Toutefois, en 1955, elle avait obtenu un visa pour entrer au Canada sous son nom de femme mariée, Gerta Munsinger.

En novembre 1960, la GRC interrogea Munsinger et la garda sous surveillance jusqu'à ce qu'elle quitte le Canada pour l'Allemagne, le 5 février 1961. À la suite de son enquête, la GRC établit que Munsinger avait travaillé à Montréal dans diverses boîtes de nuit tenues par des escrocs ou des personnes associées à des trafiquants de drogues. Elle apprit aussi que Munsinger se prostituait, et acquit la conviction que cette personne avait eu des relations sexuelles illicites avec Pierre Sévigny, ministre adjoint de la Défense nationale, et qu'elle connaissait d'autres ministres du Cabinet fédéral.

De plus, on découvrit qu'en 1960 Pierre Sévigny avait demandé à son attaché de direction, Gaston Lèvesque, d'intervenir auprès du ministère de la Citoyenneté et de l'immigration en faveur de la demande de citoyenneté canadienne déposée par Munsinger.

Puis encore, la GRC s'aperçut que le bureau d'une société qui faisait affaire avec les pays du bloc communiste se trouvait dans l'immeuble même où vivait Munsinger à Montréal et que celle-ci avait accès à l'ensemble de l'immeuble.

La GRC conclut que Munsinger représentait un danger pour la sécurité nationale pour les raisons suivantes : elle pouvait avoir été envoyée au Canada par les agents des services secrets soviétiques pour y mener des activités d'espionnage; ses anciennes activités d'espionnage en faveur des Soviétiques la désignaient vraisemblablement pour être à nouveau recrutée par eux; les personnes qu'elle fréquentait à Montréal étaient vulnérables au chantage de la pègre.

Le 7 décembre 1960, la GRC informa E. Davie Fulton, ministre de la Justice, de l'affaire Munsinger. Le 12 décembre, Fulton avança le premier ministre Diefenbaker. Après lecture du rapport de la GRC sur Munsinger, Diefenbaker demanda à Sévigny de rompre toute relation avec cette personne.

Convaincu que la sécurité n'avait pas été compromise, le premier ministre permit à Sévigny de rester au Cabinet, et l'affaire en resta là.

- 2) Recommander des mécanismes garantissant que les conditions de travail qui affectent les relations employeurs-employés seront revues périodiquement par les intéressés, dans le but d'améliorer ces conditions de travail.

Pour ce faire, la commission doit :

- 1) faire un relevé des industries canadiennes existantes et les classer;
- 2) obtenir de l'information sur le caractère et l'ampleur des organisations déjà en place parmi les groupes d'employeurs et d'employés respectivement;
- 3) étudier les données disponibles quant aux progrès réalisés par les conseils d'entreprises mixtes au Canada, en Grande-Bretagne et aux États-Unis.

Commissaires :

Thomas Graham Mathers, président; Smeaton White, Charles Harrison, Frank Pauzé, Thomas Moore, John W. Bruce et Carl Riordon (Décret en conseil C.P. 784, 9 avril 1919).

Secrétaire :

Thomas Bengough.

Documents :

Copies sur microfilm des comptes rendus d'audiences de la commission. Ces copies ont été faites d'après les transcriptions dactylographiées conservées à la bibliothèque de Travail Canada.

Voir l'instrument de recherche 33/95-95.

Autres documents :

Archives nationales du Canada, Archives du ministère du Travail, RG 27, vol. 3353, dossiers 21 à 26, originaux des comptes rendus d'audiences de la Commission sur les relations industrielles tenues à Victoria et Vancouver en avril 1919.

Rapports :

Rapport final. Date des 25 et 28 juin 1919. Déposé à la Chambre des communes le 1^{er} juillet 1919. Document parlementaire n° 184b, 1919. Intitulé *Rapport de la Commission nommée en vertu d'un arrêté en conseil, C.P. 670, pour s'enquérir des relations industrielles du Canada ainsi qu'un rapport de minorité*. N'a pas été publié.

Rapport supplémentaire. Date du 29 juin 1919. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport de la Commission nommée en vertu de l'arrêté en conseil C.P. 670 pour s'enquérir des relations industrielles du Canada avec un rapport de minorité et un rapport supplémentaire*, supplément de La Gazette du Travail de juillet 1919, 30 p.

Titre :

Historique :

Commission pour faire enquête et rapport sur les relations industrielles du Canada, 1919 (bobines de microfilm M-1980 à M-1982 et M-6425)

Dès la fin de la Première Guerre mondiale, le Canada dut faire face à une grave agitation ouvrière. Le 22 mars 1919, un Sous-comité du travail relevant du Comité de la reconstruction et du développement du Cabinet fédéral, recommandait au gouvernement du Canada d'établir une commission royale sur les relations industrielles, qui déterminerait si l'agitation ouvrière résultait de griefs légitimes ou d'une agitation seditieuse.

Selon le rapport de la commission royale nommé par le gouvernement du Canada le 4 avril 1919, les principales causes de mécontentement étaient les suivantes : le chômage, la hausse du coût de la vie, la longueur des heures de travail, l'absence du droit de négociation collective, la pénurie de logements, les restrictions imposées à la liberté d'expression et à la liberté de la presse et les inégalités en matière d'éducation.

De l'avis des commissaires, les nombreux conflits de travail, surtout survenus dans l'Ouest canadien, témoignaient d'un fort climat d'insatisfaction. Les commissaires attribuaient essentiellement aux bouleversements survenus en Europe et aux perturbations que la guerre avait provoquées dans les esprits, ils se disaient persuadés que la majorité des travailleurs ne nourrissaient pas d'idées extrémistes et qu'ils accueilleraient favorablement la collaboration et l'harmonie dans les relations de travail.

Confrontés à l'incertitude dans le monde du travail, les commissaires cherchèrent à recommander des façons d'améliorer les relations entre employeurs et employés. Paradoxalement, la grève générale de Winnipeg survint alors que les commissaires cherchaient une solution au problème ouvrier (*Rapport de la Commission nommée en vertu d'un arrêté en conseil, C.P. 670, pour s'enquérir des relations industrielles du Canada ainsi qu'un rapport de minorité, Ottawa, Imprimeur du Roi, 1919*).

La commission tint ses audiences dans vingt-huit villes canadiennes, du 26 avril au 13 juin 1919.

Texte réglementaire :

Décret en conseil C.P. 670, 4 avril 1919, sur la recommandation du ministre du Travail. Le décret ne précise pas en vertu de quelle loi les pouvoirs sont conférés.

Faire enquête et présenter un rapport au gouvernement sur les questions suivantes :

Mandat :

1) Étudier les moyens d'améliorer de façon durable les relations entre employeurs et employés et présenter des suggestions.

Volume 2. Daté du 1^{er} octobre 1968. Déposé à la Chambre des communes le 20 décembre 1968. Document parlementaire n° 266, 1968-1969. Intitulé Rapport de la Commission royale sur le pilotage. Titre II : *Étude sur le pilotage au Canada : Côte du Pacifique et Churchill* (Ottawa, Imprimeur de la Reine, 1968), xxii, 454 p.

Volume 3. Daté du 1^{er} juin 1969. N'a pas été déposé à la Chambre des communes. Intitulé Rapport de la Commission royale sur le pilotage. Titre III : *Étude sur le pilotage au Canada : Provinces de l'Atlantique* (Ottawa, Imprimeur de la Reine, 1969), xxxi, 722 p.

Volume 4. Daté du 10 juin 1970. Déposé à la Chambre des communes le 19 mars 1971. Document parlementaire n° 283-4/100, 1970-1972. Intitulé Rapport de la Commission royale sur le pilotage. Titre IV : *Étude sur le pilotage au Canada : Fleuve et golfe Saint-Laurent* (Ottawa, Imprimeur de la Reine, 1970), xxxi, 1097 p.

Volume 5. Daté du 5 août 1971. Déposé à la Chambre des communes le 9 décembre 1971. Document parlementaire n° 283-4/100A, 1970-1972. Intitulé Rapport de la Commission royale sur le pilotage. Titre V : *Étude sur le pilotage au Canada : Les Grands Lacs* (Ottawa, Information Canada, 1971), xx, 417 p.

a) L'étendue et la nature des exigences du pilotage maritime, y compris le pilotage obligatoire, le paiement obligatoire des droits de pilotage et les exemptions;

b) Les fonctions, les responsabilités et la condition des pilotes de la marine;

c) La valeur du mécanisme prévu dans la Loi sur la marine marchande du Canada en ce qui concerne l'administration, la réglementation et le financement des services de pilotage, en tenant compte de certains facteurs comme la prestation de ces services, la détermination, la perception et l'affectation des droits de pilotage, ainsi que l'admission dans le service, les normes techniques, la conduite, le revenu, le bien-être et la pension des pilotes.

Commissaires :

Yves Bernier, président; Harold Alexander Renwick et Robert Knowlton Smith.

Secrétaire :

Gilbert W. Nadeau.

Documents :

Comptes rendus d'audiences, pièces à conviction, mémoires, dossiers relatifs à l'organisation et au fonctionnement de la commission; documents sur les relations publiques avec les ministères gouvernementaux, les organismes privés et la presse, et dossiers portant sur l'organisation et l'administration du pilotage.

Voir l'instrument de recherche 33/94-94.

Autres documents :

Archives nationales du Canada, Commission royale d'enquête sur le pilotage. Documents cartographiques et architecturaux RG 33, M94. n° d'acquisition 71-12437, 224 cartes, plans et dessins.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1972-316 : Canada. Commission royale d'enquête sur le pilotage. Trois photographies de l'échouage du bateau à moteur *Hermion*, Prince Rupert (C.-B.), 1961.

Archives nationales du Canada, documents personnels de Joseph A. Heenan, MG 30, E435, vol. 3, 16 dossiers contenant des mémoires et des documents de recherche relatifs à la Commission royale d'enquête sur le pilotage.

Rapport :

Volume 1. Daté du 1^{er} mars 1968. N'a pas été déposé à la Chambre des communes. Intitulé Rapport de la Commission royale sur le pilotage. Titre 1 : *Introduction générale. Étude de la législation canadienne sur le pilotage et recommandations générales* (Ottawa, Imprimeur de la Reine, 1968), xxviii, 640 p. et annexes imprimées dans un volume séparé, p. 641-894.

10 avril, désireux de détendre la situation, le ministre fédéral des Transports, Léon Balcer, annonça au Parlement son intention de nommer une commission royale chargée d'enquêter sur tous les aspects du pilotage au Canada. Il n'est donc pas étonnant que l'entente entre le ministère des Transports, les compagnies de navigation et les pilotes du Saint-Laurent, qui mit un terme à leur grève, demandait également la mise sur pied d'une commission royale. Mais l'enquête n'a été officiellement entreprise que le 1^{er} novembre 1962, car les pilotes voulaient que le gouvernement attende la fin de la saison de navigation.

Le mandat de la commission royale étant extrêmement vaste, les commissaires ne purent finir leur travail avant 1971. Ils étudièrent non seulement les problèmes qui affectaient les pilotes maritimes, les armateurs, les capitaines de navires et le public, mais aussi la question plus générale de l'état de la loi sur le pilotage au Canada. Comme l'ont souligné les commissaires, le mandat de cette commission était beaucoup plus vaste que celui des précédentes commissions chargées d'étudier le pilotage dans une région ou un port particuliers. Pour la première fois de l'histoire canadienne, une commission royale avait pour mandat d'enquêter sur tous les aspects du pilotage, y compris sur la pertinence de la réglementation, partout où ce service est fourni dans les eaux canadiennes. (Rapport de la Commission royale sur le pilotage. Titre I : *Introduction générale. Etudes de la législation canadienne sur le pilotage et recommandations générales* [Ottawa, Imprimeur de la Reine, 1968], p. xvii-xxvi; *Chambre des communes, Débates*, 10 avril 1962, p. 2658-2662 et 2 novembre 1962, p. 1215-1217 et Archives nationales du Canada, Archives du ministère du Travail, RG 27, D2, vol. 551, bobine de microfilm T-3405, dossiers Grèves et Lockouts, Grève n° 76, Fédération canadienne de la marine marchande, bas Saint-Laurent, Québec et Ontario).

La commission tint ses audiences du 11 février 1963 au 15 janvier 1965 dans toutes les provinces canadiennes, sauf en Saskatchewan et en Alberta. Les commissaires visitèrent les installations portuaires et de pilotage dans plus de 30 localités canadiennes où des audiences eurent lieu, ainsi qu'à New York et Washington (D.C.) aux États-Unis. La commission reçut 1543 pièces à conviction et 62 mémoires.

Décret en conseil C.P. 1575, 1^{er} novembre 1962, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C. 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur les problèmes relatifs au pilotage maritime au Canada, tout particulièrement en ce qui concerne le pilotage assuré en vertu de la *Loi sur la marine marchande du Canada*, et recommander les modifications qu'il y aurait lieu d'apporter au système de pilotage actuel, compte tenu de la sécurité de la navigation, de l'expansion du transport maritime, des intérêts des pilotes, des armateurs, des capitaines et du public en général, et, en particulier, sur les points suivants :

Texte réglementaire :

Titre :

Commission royale d'enquête sur le pilotage, 1874-1971, 13,4 m (vol. 1-66)

Historique :

Au Canada, le système de pilotage remonte à 1873, époque à laquelle le gouvernement promulgua l'*Acte concernant le pilotage* (35-36-37 Vict., ch. 54). Cette loi établissait les districts de pilotage de Montréal, Québec, Halifax et Saint John et autorisait le gouverneur en conseil à désigner au besoin d'autres districts dans d'autres régions du Canada. Si l'on excepte quelques modifications mineures, les dispositions de la loi de 1873 furent incorporées à la *Loi sur la marine marchande du Canada* (S.R.C., 1906, ch. 113) et elles demeurèrent en vigueur jusqu'à l'aube des années 1960, du moins pour la plupart. En 1960, la loi subit une importante modification. Lorsque la Voie maritime du Saint-Laurent fut achevée, des arrangements furent faits avec les États-Unis pour établir un système de pilotage commun dans la région des Grands Lacs. La *Loi sur la marine marchande du Canada* (8-9 Eliz. II, ch. 40, 1960) fut donc amendée à cet effet.

Aux termes de la Partie VI de la *Loi sur la marine marchande du Canada*, le pilotage était organisé, partout au Canada, autour de districts de pilotage totalement décentralisés, autonomes administrativement et financièrement. En réalité, la situation était bien différente. Dans les grands districts, comme le lac Bras d'Or, Sydney, Halifax, Saint John, Québec, Montréal, Cornwall, Churchill et toute la Colombie-Britannique, le pilotage était non seulement administré de façon centralisée, mais, de plus, il était contrôlé par le ministère des Transports à Ottawa. Dans d'autres districts, le pilotage relevait d'une commission locale, indépendante et autonome. Selon le premier volume du rapport de la Commission royale d'enquête sur le pilotage, la loi comportait des anomalies, comme, par exemple, le fait que l'organisation et le contrôle du pilotage contrevenaient à la loi. La commission constata avec stupéfaction que la plupart des administrations de pilotage fonctionnaient sans véritable base juridique. Aussi lui parut-il nécessaire d'entreprendre une analyse détaillée des dispositions relatives au pilotage dans la *Loi sur la marine marchande du Canada*, afin de vérifier l'exactitude de cette observation.

Il apparaissait donc clairement que les lois relatives au pilotage étaient insatisfaisantes. Si l'on excepte la région des Grands Lacs, la loi fut très peu modifiée avant la grève des pilotes du Saint-Laurent, en 1962.

Le 6 avril 1962, la Fédération des pilotes du Saint-Laurent, impliquée dans un litige avec les opérateurs de radio de bord et le ministère des Transports, porta principalement sur la façon de calculer les salaires des pilotes, déclencha une grève de huit jours.

Cette décision affecta la navigation des Escoumins (140 milles au nord-est de Québec) à Kingston, et on craignit que la Voie maritime du Saint-Laurent n'ouvre pas à temps pour la saison 1962. Le

La commission tint ses audiences à Ottawa, à Québec et à Montréal, du 15 décembre 1964 au 9 avril 1965. Elle reçut 119 pièces à conviction.

Décret en conseil, C.P. 1819, 25 novembre 1964, amendé par le décret en conseil, C.P. 1820, 27 novembre 1964, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur les allégations d'incitations ou pressions indues dont on aurait usé envers l'avocat chargé de la demande d'extradition du dénommé Lucien Rivard et sur toutes les circonstances pertinentes de l'affaire et, notamment, pour examiner à fond les rapports que la Gendarmerie royale du Canada a présentés au ministre de la Justice, les preuves déposées devant lui à ce sujet et tout nouveau témoignage porté devant le commissaire ou obtenu par lui; pour étudier les autres questions qui peuvent lui sembler pertinentes et présenter un rapport indiquant s'il y a preuve suffisante pour motiver des poursuites fondées sur les délits qui peuvent avoir été commis.

Commissaire :

Frédéric Dorton.

Secrétaire :

Nicol Henry.

Documents :

Comptes rendus d'audiences, assignations de témoins, plaidoiries d'avocats et rapports de diverses personnes.

Voir l'instrument de recherche 33/93-93.

Rapports :

Rapport final. Date de juin 1965. Déposé à la Chambre des communes le 29 juin 1965. Document parlementaire n° 238, 1965. Intitulé *Enquête publique spéciale 1964. Rapport du commissaire, l'Honorable Frédéric Dorton, juge en chef de la Cour supérieure pour la Province de Québec, juin 1965* [Ottawa, Imprimeur de la Reine, 1965], 150 p. Rapport supplémentaire. Date du 6 juillet 1965. Déposé à la Chambre des communes le 19 janvier 1966. Document parlementaire n° 193, 1966-1967. Intitulé *Rapport supplémentaire sur l'Enquête publique spéciale 1964, qui consiste en une modification de l'original que j'ai déposé lundi le 28 juin 1964*. [Ottawa, 1965], 3 p.

Titre :

Historique :

Le 19 juin 1964, Lucien Rivard était arrêté à Montréal pour contrebande d'héroïne aux États-Unis, puis incarcéré à la prison de Bordeaux en attendant les poursuites en extradition.

En août 1964, la GRC informa le ministre fédéral de la Justice, Guy Favreau, que des tentatives avaient été faites pour suborner Pierre Lamontagne, avocat représentant le gouvernement des États-Unis dans la cause d'extradition de Rivard. Le 18 septembre, l'enquête de la GRC sur l'affaire Rivard étant terminée, elle fut envoyée au ministre de la Justice. Après examen du dossier, le ministre conclut que les preuves étaient insuffisantes pour porter des accusations contre lui que ce fut.

Le 23 novembre 1964, Erik Nielsen, député du Yukon, alléguait à la Chambre des communes, que Raymond Denis, ancien attaché de direction du ministre de la Citoyenneté et de l'immigration, avait offert un pot-de-vin de 20 000 \$ à Pierre Lamontagne pour la mise en liberté sous caution de Rivard. D'autres allégations furent faites aux Communes, voulant que Guy Lord, ancien adjoint du ministre de la Justice, André Letendre, attaché de direction du ministre de la Justice, et Guy Rouleau, député de Dollard et secrétaire parlementaire du premier ministre, aient également exercé des pressions sur Lamontagne pour qu'il ne s'oppose pas à la mise en liberté sous caution de Rivard.

Le 24 novembre, Rouleau admit aux Communes qu'il était intervenu auprès de Lamontagne au nom de Rivard et il démissionna de ses fonctions de secrétaire parlementaire. Harcelé par l'opposition, le ministre de la Justice, Guy Favreau, informa le même jour la Chambre des communes de sa décision de se rendre à la suggestion de T.C. Douglas, chef du Nouveau Parti démocratique, et d'établir une enquête judiciaire dans l'affaire Rivard. Favreau énuméra ensuite certains aspects que l'enquête devait plus particulièrement aborder. L'opposition contesta le mandat de l'enquête. Aussi, le 27 novembre, le gouvernement déposa-t-il un amendement qui autorisait une enquête plus complète. Le 2 mars 1965, alors que la commission siégeait encore, Rivard s'évada de la prison de Bordeaux. Repris le 16 juillet, il fut ensuite extradé aux États-Unis où il a servi une peine de prison. (*Enquête publique spéciale 1964. Rapport du Commissaire l'honorable Frédéric Dornon, juge en chef de la Cour supérieure pour la Province de Québec* [Ottawa, Imprimeur de la Reine, 1965] et *Chambre des communes, Débates*, 23 au 27 novembre 1964, p. 10378-10393, 10423-10430, 10495-10496, 10507-10517, 10543-10549 et 19597-19600).

Publications :

Landreville c. La Reine, [1977] 2 F.C. 726, 75 D.L.R. (3^e) 380 (T.D.).
 De l'avis de la Cour fédérale, le rapport de la Commission d'enquête
 concernant la conduite de Landreville (1966) contrevenait à l'article
 13 de la *Loi sur les enquêtes* en ne donnant pas à Landreville un
 préavis raisonnable des accusations de mauvaise conduite portées
 contre lui ou la possibilité d'y répondre.

décider s'il devait continuer à exercer ses fonctions.

Moins d'un an après la fin des travaux de la commission, Landreville démissionna de la Cour suprême de l'Ontario. Sa démission, datée du 7 juin, effective le 30 juin suivant, fut annoncée aux Communes le 8 juin. L'annonce arriva juste avant que le Sénat discute d'une proposition de destituer Landreville du barreau (*Enquête concernant l'Honorable L.A. Landreville*, 1966) (Ottawa, 1966).

La commission tint ses audiences du 14 mars au 27 avril 1966 à Vancouver, Sudbury, Toronto et Ottawa. Elle reçut 172 pièces à conviction.

Texte réglementaire :

Décret en conseil C.P. 128, 19 janvier 1966, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du ministre de la Justice.

Mandat :

Faire enquête et rapport sur les transactions effectuées par l'honorable juge Léo A. Landreville avec la compagnie Northern Ontario Natural Gas Limited ou avec des agents, employés ou représentants de cette compagnie ou en ce qui touche les actions de ladite compagnie, et de faire savoir si, de l'avis du commissaire, au cours de ses transactions, le juge Landreville en sa qualité officielle de juge de la Cour suprême de l'Ontario a agi de façon qui fût répréhensible, ou si l'honorable juge Landreville, par ses transactions, s'est révélé inapte à remplir convenablement ses fonctions judiciaires.

Commissaire :

Ivan Cleveland Rand.

Secrétaire :

Helen M. Roney.

Documents :

Comptes rendus d'audiences, pièces à conviction, enquêtes de la Commission des valeurs mobilières de l'Ontario sur la Northern Ontario Natural Gas Company Limited, 1958 et 1962, enquête menée en vertu de la *Loi sur les valeurs mobilières* sur R.K. Farris, et al., Vancouver, 1963, La Reine c. R.K. Farris, Cour suprême de l'Ontario, 1964, audience préliminaire de Léo A. Landreville au tribunal d'instance du district de Sudbury, 1964, coupures de presse, dossiers administratifs et documents connexes.

Voir l'instrument de recherche 33/92-92.

Autres documents :

Archives nationales du Canada, RG 14, n° d'acquisition 1987-88/146, boîte 116, archives du Comité permanent de la Chambre des communes sur M. le juge Landreville, 1966-1967.

Rapport :

Date du 11 août 1966. Déposé à la Chambre des communes le 29 août 1966. Document parlementaire n° 195a, 1966-1967. Intitulé *Enquête concernant l'Honorable Léo A. Landreville*, l'Honorable L.C. Rand, commissaire, 1966 [Ottawa, 1966], 143 p.

Titre :

Commission chargée d'enquêter sur les relations du juge Léo A. Landreville avec la Northern Ontario Natural Gas Limited ou l'un de ses agents, employés ou représentants, ou sur ses transactions portant sur les actions de ladite société, et de déterminer si, à cet égard, de l'avis du Commissaire, le juge Landreville s'est mal conduit dans ses fonctions officielles de juge de la Cour suprême de l'Ontario ou s'est montré incapable à l'exercice de ses fonctions judiciaires, 1958-1966, Q, 9 m (vol. 1-9)

Historique :

En juillet 1956, Léo Landreville était maire de Sudbury quand le conseil municipal de cette ville approuva un contrat attribuant à la Northern Ontario Natural Gas Company Limited (NONG) le privilège de fournir la ville en gaz naturel. Landreville démissionna de ses fonctions de maire le 30 septembre 1956, peu après sa nomination comme juge à la Cour suprême de l'Ontario.

En 1964, Landreville fut accusé, en vertu de l'article 104 (1) (b) et (e) du *Code criminel*, d'avoir accepté une gratification en contrepartie de l'adoption par la Ville de Sudbury d'un contrat de concession en faveur de la NONG. Le 8 octobre 1964, Landreville était acquitté lors d'une audience préliminaire au tribunal d'instance du district de Sudbury.

La gratification à laquelle il était fait allusion à l'audience préliminaire consistait en la possibilité offerte à Landreville d'acheter dans un délai d'un an 10 000 parts de la NONG à deux dollars cinquante chacune. Le 12 février 1957, Landreville, alors juge à la Cour suprême de l'Ontario, avait reçu de la Continental Investment Corporation Limited de Vancouver 7 500 actions libérées de la NONG. Le courtier de la Continental avait vendu 2 500 des 10 000 parts originellement offertes à Landreville, ce qui a permis à celui-ci de payer le reste des parts de la NONG. Landreville revendit ses actions en 1957 avec un profit de 117 000 \$.

Malgré le rejet des accusations portées contre Landreville en 1964, les rumeurs persistaient voulant qu'il n'ait pas agi correctement en acceptant les actions de la NONG et qu'il aurait dû démissionner de ses fonctions.

Le 14 mars 1965, un Comité spécial de la Société du barreau du Haut-Canada fit rapport sur la conduite de Landreville en tant que juge. Ce rapport adopté le 23 avril par les conseillers du barreau contenait une proposition de destitution de Landreville. Une copie de ce rapport fut envoyée au ministre fédéral de la Justice, qui, par la suite, demanda au juge de démissionner. Landreville, cependant, rejeta tout blâme et refusa de démissionner.

Des parlementaires réclamèrent la comparution du juge devant un comité parlementaire pour rendre compte de ses actes. Le ministre de la Justice préféra demander une enquête judiciaire le 19 janvier 1966, pour enquêter sur les relations de Landreville avec la NONG et

Publications :

- Reine, 1969], 259 p.
- Rapport final. Daté de mars 1971. Déposé à la Chambre des communes le 18 mai 1971. Document parlementaire n° 283-4/109, 1970-1972. Intitulé *Rapport de la Commission royale d'enquête relative aux machines agricoles*, 1971, Clarence L. Barber, Commissaire [Ottawa, Information Canada, 1971] xiv, 674 p.
- Douze travaux de recherche préparés pour la commission ont été publiés. On trouvera une liste de ces études dans *Government of Canada Publications*, 1968, p. 82, 1969, p. 149, 1970, p. 201 et 1971, p. 141.
- Chambre des communes. *Comité permanent de l'agriculture et de la colonisation, 1960-1961. M. James A. McBain président. Procès-verbaux et témoignages : prix des machines agricoles*, n° 1-17 [Ottawa, Imprimeur de la Reine, 1961].

- étude de l'activité en matière de recherche et développement, et du rapport existant entre cette activité et l'établissement de nouvelles installations au Canada;
- 4) le rapport passé et actuel entre le prix et la productivité des machines agricoles; et
- 5) les mesures qui contribueraient au développement d'une production efficace de machines agricoles, à la réalisation de progrès technologiques, à l'amélioration des moyens de distribution, de financement et d'entretien, et à l'amélioration de la situation concurrentielle de l'industrie, afin que les fermiers du Canada soient assurés de pouvoir bénéficier des prix les plus favorables et de la plus grande disponibilité en ce qui concerne les machines et les pièces.

Commissaire :

Clarence Lyle Barber.

Secrétaires :

Helen M. Roney, aussi connue sous le nom de Mme Helen M. Platt (1966-1967); W.A. Carey (1967-1968) et Lois Culpin (1969-1971).

Documents (textuels) :

Pièces à conviction et mémoires, comptes rendus d'audiences accompagnés d'un index (vol. 63), questionnaires, dossiers et travaux de recherche, coupures de presse; correspondance avec des ministères et des organismes gouvernementaux, ainsi qu'avec des compagnies de matériel agricole.

Documents (TED) :

Données d'une enquête sur les attitudes et le comportement des fermiers face à l'achat de machines agricoles. Outre les variables contextuelles de base figurent d'autres données relatives à la prise de décision en gestion agricole, à l'utilisation de sources d'information sur les machines agricoles, au capital investi dans ce type d'équipement, aux facteurs qui en influencent l'achat et aux modes de financement (RG 33/91, n° d'acquisition G00000066).

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14, n° d'acquisition 1985-86/146, boîte 86, ordres de renvoi, mémoires et correspondance du Comité permanent de l'agriculture et de la colonisation (Chambre des communes), 1960-1961, portant sur les prix du matériel agricole.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1972-073 : Canada. Commission royale d'enquête relative aux machines agricoles. Huit photographies de l'International Harvester Company's Service School, London (Ontario), 1967.

Rapports :

Rapport spécial. Daté de décembre 1969. Déposé à la Chambre des communes le 16 janvier 1970. Document parlementaire n° 282-4/109, 1969-1970. Intitulé *Rapport spécial sur les prix des tracteurs et des moissonneuses-batteuses au Canada et dans d'autres pays*. Clarence L. Barber, commissaire, décembre 1969 [Ottawa, imprimeur de la

la situation concurrentielle, présente et potentielle, de l'industrie canadienne des machines agricoles au Canada et dans le commerce d'exportation, en comparaison des industries de machines agricoles d'autres pays, y compris une

les coûts que doit payer l'utilisateur de machines agricoles au Canada en comparaison des coûts que doivent payer les utilisateurs d'autres pays pour un matériel analogue, à la fois en chiffres absolus et par rapport aux coûts totaux;

les facteurs qui influent sur le prix que doit payer l'utilisateur de machines et d'outillage agricoles et de leurs pièces au Canada, y compris en ce qui touche l'effet des coûts de financement, de distribution et d'entretien sur le prix total imposé à l'utilisateur;

faire enquête sur les coûts des machines agricoles et des pièces de réparation, et en particulier, étudier et faire rapport sur :

Décret en conseil, C.P. 978, 26 mai 1966, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

En 1967, au cours d'un voyage en Europe, les membres de la commission visitèrent des stations gouvernementales de recherche et d'expérimentation de machines agricoles à Silcoe (Angleterre), Uppsala (Suède) et Brunswick (Allemagne). La commission reçut 67 mémoires.

La commission tint ses audiences du 6 mars au 19 avril 1967 et du 12 octobre 1967 au 19 janvier 1968, à St. John's (T.-N.), Charlottetown, Fredericton, Halifax, Québec, Montréal, Ottawa, Toronto, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver et Victoria.

suscité un important exode de main-d'œuvre et de population depuis 1945. Ce sont ces mêmes perfectionnements qui sont à l'origine de la tendance générale à l'agrandissement des fermes. Toujours selon le président, ces progrès, joints à une amélioration des moyens de transport, ont contribué au déclin du nombre de vendeurs de machines agricoles et à la concentration des ventes de machines et de services dans les centres urbains plus importants. La forte mécanisation de l'agriculture rend aussi le fermier beaucoup plus vulnérable aux effets des pannes mécaniques pendant les périodes de grande activité. Barber ajoutait que tous ces changements avaient éveillé chez de nombreux fermiers un sentiment de malaise et l'impression que les machines agricoles étaient peu ou prou à l'origine de leurs difficultés. (RG 33/91, vol. 54, coupures de presse; *Journal d'Ottawa*, 1^{er} juin 1966; Chambre des communes, *Débates*, 9 juin 1965, p. 2180-2184, 31 janvier 1966, p. 487-488, 25 mai 1966, p. 5507 et 27 mai 1966, p. 5599 et *Rapport de la Commission royale d'enquête relative aux machines agricoles*, Information Canada, Ottawa, 1971, p. 3).

Texte réglementaire :

Mandat :

Commission royale d'enquête relative aux machines agricoles, 1964-1971, 12,8 m (vol. 1-63; comprend également des documents électroniques)

Historique :

Lors d'une visite dans l'Ouest, début janvier 1966, J.J. Greene, qui venait juste d'accéder au poste de ministre de l'Agriculture, évoqua la possibilité de mener une enquête fédérale sur les coûts des machines agricoles.

Le 31 janvier 1966, Reynold Rapp, député de Humboldt-Melfort-Tisdale, déclara à la Chambre des communes que, d'après les chiffres du Bureau fédéral de la statistique, le coût des machines agricoles était disproportionné par rapport aux revenus que les fermiers tiraient de leur production. Critique de longue date du prix du matériel agricole, Rapp avait présenté, en juin 1965, une proposition aux Communes sur la pertinence de nommer une commission d'enquête pour étudier la hausse des prix. Il avait déjà fait une suggestion analogue pendant la campagne électorale de 1963.

Petit à petit, les pressions sur le gouvernement se firent plus fortes, afin que soit établie une commission d'enquête sur l'industrie du matériel agricole. Le Syndicat national des cultivateurs par exemple, présentait un mémoire au Cabinet, le 3 mai 1966, demandant au gouvernement de mener une enquête conjointe avec les États-Unis. De l'avis du syndicat, seule une enquête judiciaire pouvait forcer les compagnies de matériel agricole travaillant au Canada à fournir les renseignements requis.

Enfin, le 25 mai, Eldon Woollams, député de Bow River, se plaignit à la Chambre des communes de ce que les bénéfices de Massey-Ferguson avaient augmenté de 160 pour cent. Le lendemain, le gouvernement du Canada nomma une commission d'enquête sur le coût du matériel agricole et des réparations. Manifestement, le ministre de l'Agriculture préférerait à une enquête publique un comité parlementaire, parce qu'il pensait que l'enquête se révélerait plus objective. De plus, le Comité permanent de l'agriculture et de la colonisation, créé en 1960 par la Chambre des communes pour étudier les coûts du matériel agricole, n'arrivait pas à obtenir les renseignements dont il avait besoin, en particulier auprès des manufacturiers. Par ailleurs, il n'avait pas fait de rapport final, le Parlement ayant été dissous avant la fin des travaux. En avril 1966, l'Assemblée législative du Manitoba mit également sur pied un comité chargé d'étudier le coût du matériel agricole, mais il ne se réunit jamais, des élections provinciales ayant été déclenchées avant même que ses travaux soient commencés.

Selon Clarence Barber, président de la Commission royale d'enquête sur les machines agricoles, il était évident que les changements dans la technologie des machines agricoles avaient provoqué de profondes répercussions dans tous les secteurs de l'agriculture. Plus que tout autre facteur, les perfectionnements du matériel agricole avaient

Rapport :

Date du 14 septembre 1966. Déposé à la Chambre des communes le 19 octobre 1966. Document parlementaire n° 321, 1966-1967. Intitulé *Rapport de la Commission royale d'enquête sur les conditions de travail au ministère des Postes*, l'Honorable André Montpetit, commissaire, octobre 1966 [Ottawa, Imprimeur de la Reine, 1966] xii, 385 p.

Texte réglementaire :

Le 20 août, Anderson soumit son second rapport qui recommandait au gouvernement de revoir les conditions et les heures de travail des employés des Postes. Les syndicats de postiers demandèrent au gouvernement d'agir en conséquence. Celui-ci répondit en nommant une commission royale d'enquête chargée d'étudier les griefs relatifs aux règles d'exécution du travail, aux mesures disciplinaires et autres conditions d'emploi applicables au personnel d'exécution des Postes (*Canadian Annual Review*, 1965, p. 389-391; *Labour Gazette*, vol. LXV, n° 9, septembre 1965, p. 789; « Labour Relations in the Post Office : A Chronology, » manuscrit inédit de la Direction des relations de travail, Postes Canada, modifié le 15 septembre 1979, p. 6-11 et *Second Interim Report of the Commission of Inquiry into the Rates of Pay for Civil Servants in Group D*, s.d., p. 7).

Du 20 septembre 1965 au 16 juin 1966, des séances privées et des audiences à huis clos eurent lieu avec des receveurs des Postes, des chefs de districts, des représentants de syndicats de postiers et d'autres groupes, à St. John's (T.-N.), Halifax, Moncton, Québec, Montréal, Toronto, Ottawa, Hamilton, London, Windsor, Fort William, Winnipeg, Saskatoon, Regina, Edmonton, Calgary, Vancouver et Victoria. La commission reçut 227 pièces à conviction.

Décret du conseil, C.P. 1590, 1^{er} septembre 1965, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du ministre des Postes.

Mandat :

Enquêter et faire rapport sur le ministère des Postes concernant les griefs formulés au sujet des règles de travail, des mesures disciplinaires et des autres conditions d'emploi qui s'appliquent au personnel d'exécution sans fonction de surveillance, et ce, à l'exclusion de la question des salaires. Au cours de son enquête, le commissaire devra conférer avec les fonctionnaires du ministère et avec les responsables des organismes représentant les employés et de l'efficacité du fonctionnement du service postal, présenter un rapport et recommander les changements qu'il y aurait lieu d'apporter, dans l'intérêt du public, aux méthodes actuelles.

Commissaire :

André Montpetit.

Secrétaire :

Heleen M. Roney.

Documents :

Documents administratifs, dossiers de recherche, comptes rendus d'audiences, pièces à conviction, y compris des mémoires soumis par des syndicats de postiers, des rapports sur les augmentations des taux de rémunération par J.C. Anderson (vol. 7) et des documents connexes.

Voir l'instrument de recherche 33/90-90.

Commission chargée d'enquêter sur le ministère des Postes relativement à des griefs concernant les règles de travail, les codes de discipline et d'autres conditions d'emploi applicables au personnel d'exécution, à l'exclusion des salaires; ce faisant, de consulter à cet égard des agents du Ministère et d'organismes représentant les employés, et, en veillant au bien-être des employés et au fonctionnement efficace du service postal, de faire rapport à ce sujet et de recommander les modifications nécessaires aux pratiques existantes dans l'intérêt public, 1965-1966, 3,2 m (vol. 1-32)

Historique :

Au début de 1965, les employés des Postes expriment leur mécontentement devant le retard du Conseil du Trésor à annoncer la révision de leurs salaires. Les trois syndicats, dont la Fraternité des postiers, menacèrent de déclencher une grève si leurs demandes demeuraient insatisfaites. Ils réclamaient une augmentation de 660 \$ par année pour toutes les catégories de travailleurs, ce qui dépassait de beaucoup l'offre gouvernementale de 300 \$ à 360 \$ par année.

Le 21 juillet 1965, le Cabinet fédéral se réunit pour discuter de la question. Le gouvernement offrit de nommer un commissaire pour étudier les salaires des postiers, mais le lendemain, les postiers de Montréal et de Vancouver se mirent en grève. Peu après, 17 000 des quelque 22 000 facteurs et trieurs de courrier du Canada, déclenchèrent une grève « sauvagerie ».

Le 23 juillet, le gouvernement chargea le juge J.C. Anderson d'examiner l'augmentation des taux de rémunération offerte aux travailleurs des Postes. Au même moment, le premier ministre demanda aux grévistes de retourner au travail en promettant une action rapide d'après les recommandations d'Anderson.

Le 26 juillet, le Comité directeur de la Fraternité des postiers pressa les travailleurs de se conformer à la demande du gouvernement. Toutefois, le 28 juillet, seulement quarante pour cent des grévistes étaient retournés au travail. Le 30 juillet, la plupart des employés mettaient un terme à leur grève illégale, sauf ceux de la ville et du district de Montréal. Le 3 août, le gouvernement fit appel à des employés non syndiqués pour trier le courrier à Montréal. Le lendemain, les postiers se virent offrir des augmentations allant de 510 \$ à 560 \$ par année, ainsi que le recommandait le rapport Anderson.

Une fois encore, le premier ministre du Canada demanda aux grévistes de Montréal d'accepter l'offre salariale de l'arbitre et de retourner au travail. Les sections syndicales locales de Montréal, ainsi que d'autres travailleurs, rejetèrent la proposition.

Finalement, le 9 août, tous les grévistes, y compris ceux de la région de Montréal retournèrent au travail. Le 24 août, les syndicats de postiers acceptèrent la nouvelle échelle salariale, mais les sections locales de Montréal ne prirent pas part au vote.

Autres documents :

Archives nationales du Canada, documents personnels de Florence Bayard Bird, MG 31, D63, vol. 5, 1967-1971, correspondance, coupures de presse, carnets de notes et résumé du Rapport de la Commission royale d'enquête sur la situation de la femme au Canada.

Archives nationales du Canada, documents personnels de Dorothy E. et John F. Flaherty, MG 31, K25, vol. 9 et 10, 1966-1974, dossiers sur la constitution de la Commission royale d'enquête sur la situation de la femme, biographies des commissaires, recommandations de la commission et commentaires sur la commission et son rapport.

Archives nationales du Canada, documents personnels de Elsie Gregory MacGill, MG 31, K7, vol. 2-7, 1963-1975, comprend des rapports, des documents administratifs, de la correspondance, des mémoires et des procès-verbaux annotés de la Commission royale d'enquête sur la situation de la femme.

Archives nationales du Canada, Fédération canadienne des femmes diplômées des universités, MG 28, I196, vol. 18-21, 1932-1976, dossiers sur la situation des femmes, correspondance avec des députés sur des questions relatives aux femmes, et dossiers traitant de l'éducation, de la famille et des femmes autochtones.

Archives nationales du Canada, Conseil national des femmes du Canada, MG 28, I25, vol. 143-144, 1966-1968, dossiers sur la situation de la femme renfermant des imprimés, de la correspondance et des mémoires.

Archives nationales du Canada, Commission royale d'enquête sur la situation de la femme. Documents audio-visuels. Bandes sonores d'émissions de radio diffusées par la C.B.C., portant sur la situation de la femme et le travail de la commission, et audiences publiques de la commission, 1968, environ 190 h, n° d'acquisition 1971-0016. Un résumé des audiences a été préparé à partir de ces enregistrements sonores.

Archives nationales du Canada, documents photographiques, n° d'acquisition 1971-191 : Canada. Commission royale sur la situation de la femme au Canada. Deux photographies de groupe des membres de la Commission royale sur la situation de la femme au Canada, 1971.

Rapport :

Date du 28 septembre 1970. Déposé à la Chambre des Communes le 7 décembre 1970. Document parlementaire n° 283-4/104, 1970-1972. Intitulé *Rapport de la Commission royale d'enquête sur la situation de la femme au Canada* [Ottawa, Information Canada, 1970], xiii, 540 p. Un certain nombre de travaux de recherche préparés par la commission ont été publiés. On en trouvera la liste dans l'instrument de recherche 33/89-87, partie 2.

Publications :

1)	Les lois et pratiques de juridiction fédérale concernant les droits politiques des femmes;	
2)	Le rôle actuel et virtuel des femmes sur le marché de la main-d'œuvre au Canada, y compris les problèmes spéciaux des femmes mariées au travail et les mesures qui pourraient être prises dans le cadre de la compétence fédérale pour aider à les résoudre;	
3)	Les mesures pouvant être prises dans le cadre de la compétence fédérale pour permettre une meilleure utilisation des talents et de l'instruction des femmes, y compris les exigences spéciales concernant le recyclage des femmes mariées qui désirent exercer à nouveau des emplois professionnels ou spécialisés;	
4)	Les lois et règlements fédéraux concernant le travail dans la mesure où ils s'appliquent aux femmes;	
5)	Les lois, pratiques et lignes de conduite concernant l'emploi et l'avancement des femmes dans la Fonction publique fédérale et au sein des sociétés d'Etat et des organismes fédéraux;	
6)	Les impôts fédéraux applicables aux femmes;	
7)	Le mariage et le divorce;	
8)	La situation des femmes dans le cadre du Code criminel;	
9)	Les lois, lignes de conduite et pratiques touchant l'immigration et la citoyenneté des femmes, et toute autre question relative au statut des femmes au Canada qui peut sembler pertinente aux commissaires.	
Commissaires :		Florence Bayard Bird, présidente; Lolia M. Lange, Jeanne Lapointe, Elsie Gregory MacGill, Doris Ogilvie, Jacques Henripin et Donald Gordon fils. Ce dernier démissionna le 1 ^{er} novembre 1967 (décret en conseil C.P. 2164, 21 novembre 1967) et fut remplacé par John P. Humphrey, le 2 février 1968 (décret en conseil C.P. 229, 2 février 1968).
Secrétaire :		Monique Bégin.
Documents :		Dispositions prises pour les audiences, précis des comptes rendus d'audiences, mémoires, dossiers de recherche, travaux de recherche, procès-verbaux de réunions, rapports, dossiers administratifs, coupures de presse et documents connexes. Le précis des audiences, les mémoires et les études inédites sont également disponibles sur microfilm.
Voir l'instrument de recherche 33/89-87, parties 1-4.		

secrétaire d'État et J.R. Nicholson, ministre du Travail. Dans son mémoire, le CEF soulevait la question des lois et des pratiques d'emploi discriminatoires à l'endroit des femmes, la désuétude des lois relatives au mariage, au divorce et au domicile des femmes mariées, à l'éducation, à l'automatisme et à l'immigration, ainsi que la lenteur avec laquelle le Canada ratifiait la convention internationale du travail conclue entre les Nations Unies et l'Organisation internationale du travail.

Malgré ces initiatives, le gouvernement hésitait encore. Au début de janvier 1967, Sabia, alors directrice du CEF, avançait à mots couverts la menace d'une marche des femmes sur Ottawa. En outre, Judy LaMarsh continuait à exercer des pressions pour que le Cabinet prenne des mesures sur les questions intéressant les femmes. Finalement, le 3 février 1967, le premier ministre annonça que le gouvernement avait décidé d'établir une commission royale pour enquêter et faire rapport sur la situation des femmes au Canada, et pour recommander les mesures qui doivent être adoptées pour assurer leur égalité avec les hommes dans toutes les sphères de la société canadienne (Judy LaMarsh, *Memoirs of a Bird in a Gilded Cage*, Toronto, McClelland and Stewart, Ltd., 1968, p. 301-302; *Chambre des Communes, Débats*, 29 juin 1966, p. 7022; 10 novembre 1966, p. 9770; 10 janvier 1967, p. 11587; 26 janvier 1967, p. 12258; et 3 février 1967, p. 12613 à 12614; *Chatelaine*, juillet 1966 et février 1967; Cerise Morris, « Determination and Thoroughness : The Movement for a Royal Commission on the Status of Women in Canada », *Atlantis : Journal d'études sur la femme/A Women's Studies Journal*, vol. 5, n° 2, printemps 1980, p. 1-21 et Archives nationales du Canada, documents personnels de Lester B. Pearson, MG 26, N4, vol. 151, dossier n° 354, Partie I : Mémoires).

La commission tint ses audiences du 16 avril au 4 octobre 1968, à St. John's (T.-N.), Halifax, Charlottetown, Fredericton, Québec, Montréal, Ottawa, Toronto, Winnipeg, Saskatoon, Regina, Calgary, Edmonton, Vancouver, Victoria, Whitehorse et Yellowknife. De plus, des groupes de discussion et des entrevues eurent lieu en quatre endroits du district de Keewatin et de Churchill. La commission reçut 468 mémoires.

Texte réglementaire :

Décret en conseil C.P. 312, 16 février 1967, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur le statut des femmes au Canada, et présenter des recommandations quant aux mesures pouvant être adoptées par le gouvernement fédéral afin d'assurer aux femmes des chances égales à celles des hommes dans toutes les sphères de la société canadienne, eu égard à la distribution des pouvoirs législatifs en vertu de la Constitution du Canada, particulièrement en ce qui a trait aux statuts, règlements et lignes de conduite du gouvernement fédéral qui concernent ou touchent les droits et l'activité des femmes et, sans restreindre la généralité de ce qui précède, de faire enquête et rapport sur les questions suivantes :

Commission royale d'enquête sur la situation de la femme au Canada, 1962-1970, 8,8 m (vol. 1-45; bobines de microfilm C-4878 à C-4883 et C-6798 à C-6803)

En avril 1963, quand Judy LaMarsh devint ministre de la Santé et du Bien-être social dans le gouvernement Pearson, elle informa le premier ministre de la nécessité de mener une enquête publique sur la situation de la femme au Canada, identique à celle que le président Kennedy avait instituée aux États-Unis. Au début de 1965, LaMarsh écrivait que Pearson semblait enfin prêt à accepter son conseil d'établir une commission, qu'elle lui avait fourni un projet de mandat, une copie du mandat et du rapport de la Commission Kennedy, ainsi qu'une longue liste de femmes qui pourraient être appelées à faire partie de la commission.

Selon LaMarsh, bien que la question ait été soulevée au Cabinet fédéral le 11 octobre 1965, le premier ministre n'avait pas donné suite, car la presse se montrait très hostile à cette idée.

LaMarsh, qui devint secrétaire d'État en décembre 1965, déclarait qu'elle n'aurait pas réussi à convaincre le gouvernement fédéral de nommer une commission sur les droits des femmes sans l'aide de Laura Sabia, alors présidente de la Fédération canadienne des femmes diplômées des universités. Le 18 avril 1966, Sabia envoyait une lettre à tous les organismes féminins du Canada, les invitant à une réunion pour discuter du statut des femmes. Tenue à Toronto, le 3 mai 1966, la réunion rassembla cinquante femmes représentant trente-deux organismes. Elle se solda par la formation du Comité sur l'égalité des femmes (CEF) au Canada, présidé par Sabia elle-même. Dans une lettre au premier ministre, datée du 26 septembre 1966, Sabia mettait l'accent sur certains résultats de la réunion. Selon elle, les trente-deux organismes nationaux, représentant plus d'un million et demi de femmes, s'étaient entendus sur la nécessité de mener une enquête approfondie sur les facteurs qui empêchent les femmes de participer pleinement à la vie économique, éducative, politique, sociale et professionnelle du Canada. Ils suggéraient qu'une commission royale sur la situation de la femme constitue une première étape sur la voie de cette importante réalisation.

Le 15 septembre, le Comité sur l'égalité des femmes (CEF) présentait un mémoire au gouvernement du Canada demandant de rencontrer le premier ministre pour discuter des droits des femmes.

Les objectifs du CEF furent fortement appuyés à la Chambre des communes par Judy LaMarsh et Grace McInnis. Doris Anderson, rédactrice en chef de *Chatelaine*, publia un éditorial favorable à la commission d'enquête dans la revue de juillet 1966.

Quand la délégation du CEF arriva à Ottawa, le 10 novembre 1966, elle rencontra Lucien Cardin, ministre de la Justice, Judy LaMarsh,

Publications :

Comité spécial d'enquête sur l'administration du ministère des douanes et de l'accise. Procès-verbaux n°s 1-66, 9 février-17 juin 1926, (Ottawa, Imprimeur du Roi, 1926) [Archives nationales du Canada, Archives du Parlement, RG 14, D1, vol. 654].

Rapport de Messieurs Clarkson, Gordon et Dilworth concernant la réorganisation du ministère du Revenu national, 9 février 1928 (Ottawa, Imprimeur du Roi, 1928) [Archives du Parlement, RG 14, D2, vol. 170, Document parlementaire n° 5c, 1928].

28 septembre 1926). Quand Lemieux donna sa démission, il fut remplacé par James T. Brown et Ernest Roy devint commissaire (décrets en conseil C.P. 1844 et C.P. 1845, 11 novembre 1926).

Secrétaire :

P. D'Auteuil Leduc.

Documents :

Rapports d'étapes et comptes rendus d'audiences avec un index (vol. 1).

Voir l'instrument de recherche 33/88-85.

Autres documents :

Archives nationales du Canada, Archives du Parlement, RG 14, D2, vol. 170, Document parlementaire 5b, 1928, contient les procès-verbaux d'une réunion entre la Commission des douanes et le gouvernement des États-Unis, tenue à Washington les 29 et 30 août 1927; RG 14, D2, vol. 171, Document parlementaire 5d, 1928, mémoire du Comité consultatif sur la réorganisation du Service préventif des douanes et de l'accise, 5 janvier 1927.

Archives nationales du Canada, Archives du ministère du Revenu national, RG 16, vol. 791, contient un peu de documentation produite par le ministère à l'intention de la Commission royale des douanes et de l'accise, ainsi que des documents relatifs aux poursuites qui ont découlé des recommandations du ministère.

Archives nationales du Canada, Archives du ministère de la Justice, RG 13, vol. 1990-1991, dossier 1934, 1927, rapports sur les brasseurs et distillateurs par Clarkson, Gordon, et al., comptables agréés.

Rapports :

Rapports provisoires, nos 1-10. Datés du 3 décembre 1926 au 14 octobre 1927. Déposés à la Chambre des communes le 2 février 1928. Document parlementaire n° 5a, 1928. Intitulés *Royal Commission on Custom and Excise. Interim Reports* (Nos. 1-10), Ottawa, Imprimeur du Roi, 1927, 119 p.

Rapport final. Daté du 15 octobre 1927. Déposé à la Chambre des communes le 27 janvier 1928, document parlementaire n° 5, 1928. Intitulé *Commission royale des douanes et de l'accise*. Rapport final (Ottawa, Imprimeur du Roi, 1928), 24 p.

Commissaires :

À l'origine, le commissaire était François-Xavier Lemieux. Par la suite, James Thomas Brown et William Henry Wright furent nommés commissaires pour aider Lemieux (décret en conseil C.P. 1467,

Mandat :

Continuer et terminer l'enquête du Comité spécial de la Chambre des Communes sur l'administration du ministère des Douanes et de l'Accise. De plus, enquêter et faire rapport sur toutes les questions relevant de l'administration du ministre des Douanes et de l'Accise et se rattachant au revenu public du Canada ou se rapportant aux opérations de toute personne ou société qui, à titre de propriétaire, d'exploitant ou d'employé, participe à une entreprise conduite en vertu des dispositions de la *Loi de l'accise* (11-12 Geo. V, ch. 26, 1921) ou la *Loi des douanes* (S.R.C., 1906, ch. 48) ou de tout règlement rédigé sous l'empire de ces lois.

Par le décret en conseil C.P. 67 du 14 janvier 1927, les commissaires reçoivent un mandat supplémentaire qui étendait leurs pouvoirs d'investigation.

Texte réglementaire :

Décret en conseil C.P. 1161, 20 juillet 1926, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104), et sur la recommandation du ministre de la Justice.

La commission tint ses audiences du 17 novembre 1926 au 14 septembre 1927, à Saint John, Halifax, Charlottetown, Québec, Montréal, Niagara Falls, Windsor, Hamilton, Toronto, Ottawa, Winnipeg, Regina, Calgary, Vancouver et Victoria.

Le 20 juillet 1926, peu après la dissolution du Parlement, le gouvernement du Canada institua donc une commission royale pour enquêter et faire rapport sur l'administration du ministère des Douanes et de l'Accise (*Journals of the House of Commons*, session de 1925, Ottawa, Imprimeur du Roi, 1926, p. 444-449 et p. 493-497; *Canadian Annual Review*, 1925-1926, p. 53-55, 64-65 et 79-83; H. Blair Neatby, *William Lyon Mackenzie King*, 1924-1932, Toronto, University of Toronto Press, 1963, p. 63-64, 114-116 et 130-157; et Bruce Hutchison, *The Incredible Canadian*, Toronto, Longmans, Green & Co., 1952, p. 104-108).

Le 29 juin, l'administration Meighen assura l'adoption d'une proposition de blâme à l'endroit de l'ancien gouverneur King en ajoutant au rapport parlementaire que, puisque l'enquête montrait que le poison de la contrebande s'était à ce point répandu et que ses ramifications étaient si profondes qu'une partie seulement des pratiques illégales avait été portée à la connaissance du public, le comité recommandait la nomination d'une commission judiciaire ayant pleins pouvoirs pour poursuivre et achever l'enquête sur l'administration du ministère des Douanes et de l'Accise et pour poursuivre les délinquants.

Le 28 juin 1926, King démissionna et le gouverneur général demanda à Arthur Meighen, chef de l'opposition, de former un gouvernement.

Dès le début de 1925, le gouvernement du Canada se rendit compte que l'inefficacité et la corruption régnaient au ministère des Douanes et de l'Accise et il entreprit une investigation officielle de cette question.

En mars 1925, le premier ministre King accepta de nommer une commission royale pourvu que la Commercial Protective Association, qui s'était plainte d'irrégularités au ministère, porte des accusations contre des fonctionnaires des douanes, mais l'association ne s'exécuta pas.

Le problème acquit plus de notoriété en février 1926, quand H.H. Stevens, député de Vancouver Centre, se plaignit que le gouvernement était au courant de violations flagrantes des règlements des douanes et que des fonctionnaires du ministère étaient impliqués dans des activités illégales. Cette attaque obligea la Chambre des communes à mettre sur pied un Comité spécial chargé d'enquêter sur l'administration du ministère.

Selon le rapport final du comité parlementaire, daté du 18 juin 1926, de fondement. Les preuves soumises au comité l'amenaient à la conclusion que depuis longtemps déjà, le ministère des Douanes et de l'Accise perdait lentement de son efficacité, et que cette décadence s'était considérablement accélérée au cours des dernières années. Apparemment, l'honorable Jacques Bureau, alors ministre des Douanes, ne comprenait pas exactement la nature de ses responsabilités et il ne les déléguait pas correctement, ce qui nuisait au contrôle efficace, régulier et rigoureux des employés à l'administration centrale à Ottawa.

En outre, le comité confirmait les points suivants : une inefficacité et un laxisme généralisés régnaient au ministère; l'alcool était vendu en contrebande aux États-Unis alors soumis à la Prohibition; des voitures volées étaient passées en contrebande au Canada; et certains des fonctionnaires supérieurs du ministère se comportaient de façon si délictueuse que le rapport recommandait le congédiement de neuf d'entre eux. Le rapport montrait également qu'à l'époque où il était l'alcool en cadeau de la part de fonctionnaires des douanes à Montréal et qu'une voiture de contrebande avait été vendue à son chauffeur. De plus, le nouveau ministre des Douanes et de l'Accise, George H. Boivin, était intervenu pour retarder l'incarcération de Moses Aziz, reconnu coupable de contrebande.

Devant l'agitation causée par ce rapport, le gouvernement minoritaire de King craignait d'être déstabilisé si ces irrégularités étaient soumises à un vote de censure. King évita ce vote en demandant au gouverneur

international; et (f) toute autre question pertinente qui pourrait apparaître au cours de l'enquête et qui, de l'avis du commissaire, devrait en faire partie.

Commissaire : Donald Alexander Thompson.

Secrétaire : Robert E. Moffat.

Documents : Comptes rendus d'audiences, pièces à conviction et un exemplaire du rapport de la commission.

Voir l'instrument de recherche 33/87-84.

Autres documents :

Archives nationales du Canada, Archives d'Air Canada, RG 70, vol. 137-138, dossier 120-50-04, 1949-1965, documentation de travail, correspondance, procès-verbaux des réunions syndicales-patronales, données sur l'emploi, données économiques et coupures de presse relatives à la base d'entretien de TCA à Winnipeg; RG 70, vol. 178-179, 1957 et 1963, documentation portant sur le rapport de Wallace Clark and Company, 1957, et le rapport de R. Dixon Speas Associates, 1963; RG 70, vol. 220, dossier 1560-6-5, 1950-1963, informations sur le projet de regroupement des installations de révision à Montréal; RG 70, vol 235, dossier 500-5-1, 1963-1965, mémoires et discussions d'Air Canada au sujet du transfert des employés de Winnipeg à Dorval et documents sur les conséquences économiques du transfert pour la région de Winnipeg; RG 70, vol. 291, dossier 1508-8-2, 1955-1967, documentation sur les bâtiments et les rénovations de la base de Winnipeg, correspondance, coupures de presse, archives révélant des conflits causés par le retrait de la base d'entretien de la région de Winnipeg et documents connexes; RG 70, vol. 348-350, 1962-1968, mémoires et documents afférents au rapport de Wallace Clark and Company et au rapport de R. Dixon Speas Associates, déclarations au Parlement, coupures de presse, correspondance et autres documents relatifs aux bases d'entretien de TCA.

Rapport :

Date du 3 mars 1966. Déposé à la Chambre des communes de 19 mai 1966. Document parlementaire n° 162d, 1966-1967. Intitulé *Rapport de la Commission d'enquête sur l'avenir de la base de révision d'Air Canada à l'aéroport international de Winnipeg et sur les questions connexes* [Ottawa, 1966], 144 p. et annexes.

la charge d'examiner les avantages économiques de la planification de la compagnie en ce qui a trait aux bases de Dorval et de Winnipeg. Son rapport, daté d'août 1963, recommandait une fois encore la fermeture de la base d'entretien de Winnipeg et le regroupement des travaux de révision et d'entretien à Dorval.

Après la publication du rapport Speas, les protestations, qui venaient principalement du Manitoba, s'abattirent sur Ottawa. Le 17 décembre 1963, le premier ministre Pearson déclarait à la Chambre des communes, qu'il allait discuter avec le premier ministre Roblin du Manitoba, de la possibilité d'établir une enquête publique. Plusieurs mois plus tard, le 11 juin 1964, le gouvernement du Canada nommait une commission royale pour enquêter et faire rapport sur les bases d'entretien (*Canadian Annual Review*, 1965, p. 162-163 et *Rapport de la Commission d'enquête sur l'avenir de la base de révision d'Air Canada à l'aéroport international de Winnipeg et sur les questions connexes* [Ottawa, 1966], p. 19-29).

La commission tint ses audiences à Montréal et Winnipeg, du 19 janvier au 13 mai 1965 et recueillit 39 mémoires et 105 pièces à conviction. Elle reçut en outre un certain nombre de communications, de propositions et de lettres émanant de villes, de villages et de municipalités du Manitoba et du Québec.

Décret en conseil C.P. 857 du 11 juin 1964, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154), et sur la recommandation du premier ministre.

Mandat :

Enquêter et faire rapport sur le problème que pose l'avenir de la base de révision aéronautique des lignes aériennes Trans-Canada à l'aéroport international de Winnipeg et sur la possibilité de maintenir et d'accroître l'emploi à ladite base, et étudier en particulier : (a) le rapport préparé par Dixon-Speas Associates pour TCA sur les installations de révision et les entrepôts aux aéroports internationaux de Winnipeg et de Montréal, y compris les documents de travail utilisés dans la préparation du rapport, ainsi qu'une investigation sur Dixon-Speas Associates, sur les employés de TCA et le gouvernement du Canada qui ont participé à la préparation de ce rapport ou lui ont fourni de l'information; (b) le rapport Wallace Clark et sa documentation de base relative aux coûts respectifs des installations de révision et d'entretien des DC-8 et des Vanguards à Montréal et à Winnipeg; (c) les plans de TCA pour l'avenir de sa base de révision et d'entretien aux aéroports internationaux de Winnipeg et Montréal; (d) la faisabilité d'utiliser la base de révision de TCA à Winnipeg pour la révision ou l'entretien des nouveaux DC-9, ou pour certaines parties de ces avions ou d'autres appareils dont TCA pourrait faire l'acquisition, y compris un examen des développements susceptibles d'affecter la conversion de la base pour l'entretien des DC-9, Vanguards et Viscounts; (e) l'avenir des installations de révision et d'entretien de Winnipeg, à la lumière du projet du gouvernement du Canada de favoriser l'expansion des transporteurs aériens régionaux et d'encourager une participation canadienne accrue au trafic aérien

Texte réglementaire :

Titre :

Commission chargée d'enquêter et de faire rapport sur le problème de l'avenir de la base de révision des Lignes aériennes Trans-Canada à l'aéroport international de Winnipeg et sur la possibilité de maintenir et d'accroître l'emploi à ladite base, 1957-1966, 0,7 m (vol. 1-7)

Historique :

Le 31 mai 1957, la société d'experts-conseils Wallace Clark and Company (Canada) Limited recommandait à Trans-Canada Airlines (TCA) de regrouper toutes ses installations de révision des appareils à turbines à l'aéroport de Dorval. Le regroupement préconisé sonnait le glas de la base de révision et d'entretien des avions de Stevenson's Field (près de Winnipeg). Toutefois, le rapport Wallace Clark ayant été peu diffusé dans son intégralité, les conséquences de cette recommandation n'ont guère été comprises à l'époque.

Les postes de près de 1 000 travailleurs de Winnipeg se trouvaient en jeu. Par ailleurs, la fermeture aurait des répercussions sur divers métiers techniques, particulièrement dans le secteur de l'électronique.

Le 11 mars 1958, J.T. Bain, directeur de l'ingénierie et de l'entretien pour TCA, écrivit à N.A. Radford, président de la section locale 714 des lignes aériennes à Winnipeg, au sujet des projets touchant la base de révision. Une fois encore, l'information transmise relativement à l'avenir de la base manquait de clarté. Selon le rapport de la Commission royale de 1966, qui se pencha sur cette question, il est clair que les réponses ne répondaient pas totalement aux questions posées et semblaient davantage destinées à apaiser les craintes relatives à l'avenir de la base de Winnipeg qu'à exposer en toute franchise les plans d'Air Canada qui visaient à limiter cet avenir.

Dans une lettre au personnel, datée du 14 novembre 1962, G.R. McGregor, président de TCA, se montra plus précis. Selon lui, on pouvait s'attendre à ce que la flotte de Viscount diminue en nombre, peut-être très rapidement, dès le début de 1966. Il fallait donc bien réaliser que le prochain type d'appareils qu'achèterait TCA seraient des avions à réaction court et moyen courrier, et que l'entretien et la révision de ces appareils, des moteurs et des composants seraient réalisés à Dorval, non à Winnipeg, comme le voulait la planification originale et les impératifs de bon sens économique.

Finalement, TCA manifesta clairement son intention de fermer la base de révision de Winnipeg. La compagnie aérienne n'ayant pas prévu ses emplois en 1957, la question resta ignorée pendant plusieurs années. L'enquête affirme que, rétrospectivement, la révélation, en 1957, du contenu du rapport Wallace Clark relativement à l'avenir de la base d'entretien, et l'expression claire des intentions à long terme d'Air Canada, auraient peut-être immédiatement déclenché une tempête, mais qu'elle aurait aussi permis de trouver plus rapidement une solution au problème de la base.

En réponse à la lettre de McGregor de novembre 1962, TCA s'assura les services de la firme R. Dixon-Speas Associates en mars 1963 et

Mandat :

Enquêter et faire rapport sur les accusations de partialité politique dans le fonctionnement du Rétablissement des soldats dans la vie civile à Toronto, London et Ottawa, selon les termes du décret en conseil C.P. 1467 du 22 juillet 1922, amendé par C.P. 2125 du 16 octobre 1922.

Commissaire :

Alfred Taylor Hunter.

Documents:

Comptes rendus d'audiences, plaidoiries de l'avocat, textes de plaidoiries répondant aux plaintes du lieutenant-colonel G.F. Morrison, du docteur S.R.D. Hewitt et du docteur B.T. McGhie, et un exemplaire dactylographié du rapport du commissaire.

Voir l'instrument de recherche 33/86-83.

Autres documents :

Archives nationales du Canada, RG 14, D2, vol. 178, Document parlementaire 118b, 1928. Renvoi à un ordre de la Chambre des communes, daté du 11 avril 1928, faisant état d'accusations contre des fonctionnaires du Rétablissement des soldats dans la vie civile.

Archives nationales du Canada, papiers de W.L.M. King, MG 26, J1, vol. 144, p. 122414, 122650-652; vol. 147, p. 125194-201, 125505-506; et vol. 152, p. 129851-853, tous contiennent de la correspondance relative au ministère du Rétablissement des soldats dans la vie civile, 1927-1928; le vol. 153, p. 130244-306 renferme un exemplaire dactylographié du rapport de l'enquête, signé A.T. Hunter, 1928; et MG 26, J4, vol. 68, dossier 470, comprend des comptes rendus d'audiences de l'enquête.

Rapport :

Date du 10 janvier 1928. Déposé à la Chambre des communes le 20 février 1928. Document parlementaire n° 118, 1928. Intitulé *Rapport de la Commission royale instituée pour faire enquête sur les accusations de partialité politique proférées contre le ministre du Rétablissement des soldats dans la vie civile* (Ottawa, Imprimeur du Roi, 1928), 33 p.

Titre :

Historique :

Commission royale instituée pour faire enquête sur les accusations de partialité politique proférées contre le ministère du Rétablissement des soldats dans la vie civile, 1926-1927, 0,3 m (vol. 1-3)

Le 8 mai 1928, James H. King, ministre du Rétablissement des soldats dans la vie civile, déposa des affidavits à la Chambre des communes alléguant que des employés de l'hôpital de la rue Christie à Toronto avaient fait preuve de partialité politique.

Les plaintes concernaient le congédiement d'employés partisans du Parti libéral. Il était allégué, par exemple, que depuis 1922, au Bureau d'embauche de l'hôpital, six employés libéraux sur neuf avaient été congédiés pour un seul conservateur, que dix membres du personnel médical licenciés depuis 1921 étaient libéraux; et qu'on relevait des disparités entre les salaires des libéraux et ceux des conservateurs au Bureau d'embauche, au Service de médecine et au Service de chirurgie. Certains employés du Service de chirurgie, par exemple, affirmaient que, depuis 1920, les partisans du Parti libéral recevaient annuellement environ quatre cent cinquante dollars de moins que les conservateurs.

La partialité des partisans du Parti conservateur ressortait encore du témoignage de deux médecins de l'équipe chirurgicale, qui racontèrent que certains patients et infirmiers avaient tenté en vain d'interrompre une réunion du Parti libéral dans la circonscription électorale de North York, où le premier ministre était candidat. À cette époque, les employés de l'hôpital furent prévenus des conséquences qu'il y avait à adhérer à un parti politique.

Des activités partisanses furent également mises au jour dans l'administration du Service « D » de l'hôpital. Dans son rapport, le commissaire Hunter commente ces accusations en disant qu'on lui a rapporté avec insistance que, selon les employés, on aurait procédé au cours des six dernières années à une élimination implacable des employés libéraux du service.

Le gouvernement du Canada, qui soutenait que ces accusations de partialité politique étaient elles-mêmes une preuve d'attitude partisane aux termes de l'article 32 de la *Loi sur le Service Civil* (S.R.C., 1927, ch. 22), ordonna une enquête (*Rapport de la Commission royale instituée pour faire enquête sur les accusations de partialité politique proférées contre le ministère du Rétablissement des soldats dans la vie civile*, Ottawa, Imprimeur du Roi, 1928 et Document parlementaire 118b, 1928, RG 14, D2, vol. 178).

La commission tint ses audiences à huis clos du 14 juillet au 14 novembre 1927, à Toronto, London et Ottawa.

Texte réglementaire :

Décret en conseil C.P. 1293, 30 juin 1927, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du premier ministre intérimaire.

Mandat :

Enquêter et faire rapport sur les plaintes déposées par Walter H. Kirchner, M.C., D.C.M., secrétaire de la Canadian Combats Veterans Association, Inc., Vancouver (C.-B.), concernant les services de pension et traitements, et en particulier sur les questions suivantes : (1) la valeur des traitements fournis par le ministère des Anciens combattants dans les cas qui font l'objet des représentations de M. Kirchner; (2) les qualifications et compétences des médecins du ministère chargés de ces cas; et (3) la pertinence de la pension versée aux cas qui font l'objet des représentations de M. Kirchner.

Commissaires :

James Joseph McCann, président; Moses Elijah McGarry, vice-président, John Oliver Probe, William Gounlay Blair et Robert Henry Winters. Winters fut nommé commissaire le 8 janvier 1948 pour remplacer McCann qui était dans l'impossibilité d'accompagner les commissaires à Vancouver (Décret en conseil C.P. 75, 8 janvier 1948).

Secrétaire :

F.L. Barrow.

Documents :

Comptes rendus d'audiences tenues à Vancouver, correspondance, mémoires, procès-verbaux de réunions, communiqués de presse, coupures de journaux, extraits du Hansard, brouillons et un exemplaire du rapport de la commission, résumés des cas des anciens combattants qui ont fait l'objet des représentations de Kirchner.

Il n'existe pas d'instrument de recherche pour ces documents.

Rapport :

Non daté. Déposé à la Chambre des communes le 9 mars 1948. Document parlementaire n° 131 i, 1947-1948. Exemplaire dactylographié intitulé « Report Of Commission Appointed Under The Provisions Of Part I of the *Inquiries Act* By Order In Council P.C. 4980 Dated December 4, 1947, As Amended By Order In Council P.C. 75, Dated January 8, 1948 », 24 p. (Archives nationales du Canada, Archives du Parlement, RG 14 D 2, vol. 527).

Titre :

Historique :

Commission chargée d'enquêter sur les plaintes déposées par Walter H. Kirchner, M.C., D.C.M., secrétaire de la Canadian Combats Veterans Association Inc., Vancouver (Colombie-Britannique) concernant les services de pensions et traitements relativement à certains cas au sujet desquels M. Kirchner a fait des représentations, 1947-1948, O,1 m (vol. 1)

En 1947, M. Walter H. Kirchner, secrétaire de la Canadian Combats Veterans Association Inc. de Vancouver (Colombie-Britannique), adressa une circulaire aux députés, dans laquelle il accusait la Commission canadienne des pensions de mauvaise gestion dans son évaluation des handicaps des anciens combattants. Kirchner s'interrogeait aussi sur la valeur des traitements offerts aux anciens combattants handicapés, particulièrement à l'hôpital Shaughnessy de Vancouver.

Les accusations que portait Kirchner relativement au cas de soixante-trois anciens combattants revêtaient une telle gravité qu'un certain nombre de députés souhaitaient que le gouvernement fasse enquête.

Le 16 juillet 1947, après un débat à la Chambre des communes, Ian MacKenzie, ministre des Anciens combattants, suggéra qu'un comité composé de trois députés docteurs en médecine se réunisse avant la prochaine session pour enquêter et faire rapport sur les accusations de Kirchner. D'autre part, Tom Bentley, député de Swift Current, recommanda d'inclure dans le futur comité un membre supplémentaire qui représenterait la Fédération du Commonwealth coopératif (le parti C.C.F.).

Le 4 décembre, à la suite des allégations de Kirchner, le gouvernement du Canada établit officiellement une enquête publique chargée d'étudier ces plaintes (Chambre des communes, *Débats*, 16 juillet 1947, p. 5769 et Archives nationales du Canada, Archives des commissions royales, RG 33/85, vol. 1, sommaires des cas d'anciens combattants handicapés qui firent l'objet de représentations de la part de Kirchner et documents connexes).

La commission tint ses audiences du 4 décembre 1947 au 9 mars 1948 à Ottawa et Vancouver, ainsi qu'à divers endroits entre ces deux villes.

Textes réglementaires :

Décret en conseil C.P. 4980, 4 décembre 1947, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1927, ch. 99) et sur la recommandation du ministre des Anciens combattants. Amendé par le décret en conseil C.P. 75, 8 janvier 1948.

consultation et de la Douglas Aircraft Company. On trouve, en outre, des documents du Civil Aeronautics Board relatifs à l'écrasement d'un DC-8 à la Nouvelle-Orléans, en 1964, et un rapport provisoire sur l'écrasement à Ste-Thérèse, en 1963.

Date de juin 1965. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport de la Commission d'enquête sur l'écrasement d'un aéronef des lignes aériennes Trans-Canada DC-8F CF-TJN, à Ste-Thérèse-de-Blainville (Québec) le 29 novembre 1963* [Ottawa, 1965]. 38 p.

Rapport :

d'enquête, RG 33/84, vol. 7, ministère des Transports, Division de l'aviation civile, Rapport sommaire d'accident, 1963, et rapport Chailles, 1965).

La commission tint ses audiences du 9 novembre au 8 décembre 1964 à Montréal et le 9 juin 1965 à Ottawa. La commission reçut 78 pièces à conviction.

Décret en conseil C.P. 1544, 8 octobre 1964, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Enquêter et faire rapport sur les circonstances entourant l'écrasement d'un avion Douglas DC 8F, enregistré CF-TJN, à Ste-Thérèse (Québec), le 29 novembre 1963, lors d'un vol de Montréal à Toronto et, en particulier, sur : (a) la ou les cause(s) qui ont, ou peuvent avoir, occasionné l'écrasement; et (b) la possibilité que l'accident ait été provoqué par une ou plusieurs infraction(s) à la *Loi sur l'aéronautique* (S.R.C., 1952, ch. 2), aux Règlements du transport aérien ou à toute autre ordonnance ou prescription pertinente.

Commissaire :

George Swan Chailles.

Documents :

Rapports et données des groupes de travail sur les structures, sur les systèmes et sur le fonctionnement, comprenant les rapports des témoins, l'enquête sur les facteurs humains, les documents du Comité d'enquête sur les moteurs, ainsi que ceux du Groupe de travail sur les documents et archives. On trouve également des pièces à conviction, le Rapport sommaire de l'accident, produit par le ministère des Transports, des brouillons du rapport du commissaire, des dépositions de Trans-Canada Air Lines et de l'Association canadienne des pilotes de lignes aériennes, des comptes rendus d'audiences et d'autres documents connexes.

Voir l'instrument de recherche 33/84-82.

Autres documents :

Archives nationales du Canada, Commission d'enquête sur l'écrasement de l'avion DC-8F de Trans-Canada Airlines, CF-TJN, à Ste-Thérèse-de-Blainville (Québec). Documents audio-visuels : pièces à conviction consistant en enregistrements de communications radio entre l'avion et la tour de contrôle de l'aéroport de Dorval, environ 25 h, n° d'acquisition 1969-0015.

Archives nationales du Canada, Archives d'Air Canada, RG 70, vol. 132, 243, 249 et 250. Messages de condoléances et coupures de journaux relatives à l'accident d'avion à Ste-Thérèse (Québec).

Archives nationales du Canada, Archives du ministère des Transports, RG 12, vol. 1814-1815, dossiers 5002-2147-4 à 5002-2147-13. Renseignements relatifs aux divers groupes de travail : sur les structures, sur les moteurs, sur le fonctionnement, et sur le personnel de la commission Chailles. Ce groupe de documents comprend aussi des lettres de l'enquêteur en chef, du Comité de planification et de

Commission pour faire enquête et rapport sur les circonstances qui ont entouré l'écrasement d'un avion Douglas DC 8F, enregistré CF-TJN, à Ste-Thérèse-de-Blainville (Québec), le 29 novembre 1963, 1963-1964, 1,2 m (vol. 1-12)

Le 29 novembre 1963, un avion Douglas DC-8F, propriété de Trans-Canada Air Lines, s'appelait à relier Montréal à Toronto, et son départ de l'aéroport international de Dorval était prévu pour 18 h 10, heure normale de l'est. Du fait de la lenteur du transport terrestre de Montréal à l'aéroport, le départ du vol 831, comme on l'appelait, fut retardé de plusieurs minutes. À cette heure-là, le temps à Montréal était couvert, on signalait un peu de pluie et de brouillard et une visibilité de quatre milles. Au sol, le vent soufflait du nord-est à douze milles à l'heure.

La première étape du vol après Dorval était la station omnidirectionnelle de St-Eustache. La tour de contrôle autorisa le départ du vol 831 qui se présenta pour le décollage sur la piste numéro six vers 18 h 28. Le personnel de vol devait faire rapport lors de l'ascension, à 3 000, puis à 7 000 pieds. Les communications attestent que l'appareil fit bien rapport à 3 000 pieds comme prévu. Puis, il confirma l'autorisation de tourner à gauche vers St-Eustache. Ce fut le dernier contact radio avec l'appareil. Le virage apparut sur le radar jusqu'à environ 8 milles nautiques de l'aéroport, mais peu de temps après, il disparut complètement. À ce moment-là, l'écran du radar était trouble par des parasites dus à la pluie.

Le vol 831 s'écrasa vers 18 h 33. Les cent onze passagers et les sept membres d'équipage périrent dans l'accident. Le site de l'écrasement se trouvait à environ quatre milles au nord de Ste-Thérèse-de-Blainville, à l'ouest de l'autoroute 11, et à environ 16,9 milles à vol d'oiseau de l'aéroport de Dorval.

Les pertes en vies humaines ayant été considérables et l'appareil complètement détruit, le ministère des Transports mena une enquête en profondeur qui nécessita six groupes de travail dirigés par le chef de la Division des enquêtes dans les affaires d'accident. Chaque groupe était appuyé par des experts techniques de divers secteurs de l'aéronautique. L'enquête incluait la récupération des restes humains et des débris de l'appareil. L'interrogatoire des témoins, une étude des moteurs de l'appareil, de ses structures et des facteurs humains.

Le 25 septembre 1964, une fois que l'enquête du ministère des Transports fut terminée, la Chambre des communes fut informée de la décision du ministre des Transports, J.W. Pickersgill, de mener également une enquête publique sur cet accident. Le 8 octobre, le gouvernement du Canada constituait officiellement la Commission d'enquête sur les circonstances entourant l'écrasement de l'avion (Chambre des communes, *Débates*, 25 septembre 1964, p. 8426 et Archives nationales du Canada, Archives des commissions royales

Mandat :

Enquêter et faire rapport sur tout ce qui concerne l'administration des divers ministères gouvernementaux et sur la manière dont y sont conduites les affaires publiques et, particulièrement, sur ce qui concerne les questions suivantes : (1) les méthodes suivies pour la conduite des affaires publiques; (2) l'administration des crédits et des dépenses; (3) la construction et l'entretien du domaine public et l'exécution des travaux de dragage; (4) les méthodes administratives et les activités des ministères qui dépensent le plus; (5) l'administration et l'aliénation du domaine public; (6) la discipline et l'efficacité des divers personnels ministériels; (7) le double emploi ou l'exécution d'un même travail dans deux ou plusieurs ministères; et toute autre question relevant de l'enquête sur le fonctionnement de la Loi sur le Service Civil et autres textes législatifs de 1907.

Commissaires :

Alfred Bishop Morine, président; Guillaume Narcisse Ducharme et Richard Stuart Lake. Morine démissionna le 1^{er} juin 1912 (Décret en conseil C.P. 1491, 30 mai 1912).

Secrétaire :

H.V. Rorke.

Documents :

Comptes rendus d'audiences, correspondance, documents de travail, brouillons des rapports de la commission, renseignements sur la Fonction publique en Angleterre, documents relatifs aux chantiers navals de Sorel, au département des Impressions et de la Papeterie publiques et aux contrats de dragage du gouvernement.

Rapport :

Date du 9 novembre 1912. Déposé à la Chambre des communes le 9 décembre 1912. Document parlementaire n° 57, 1913. Intitulé *Service Public, 1912. Rapport des commissaires* (Ottawa, Imprimeur du Roi, 1913, 3 v., 1523 p. (Le volume I contient le rapport de la commission, alors que les volumes II et III renferment les comptes rendus d'audiences de la commission).

Publications :

Commission du Service Civil, 1908. Rapport des commissaires. Ottawa, Imprimeur du Roi, 1908, 282 p.

Commission d'enquête sur le service public, 1857-1892 et 1911-1913, 1,8 m (vol. 1-18)

Pendant la campagne électorale fédérale de 1911, Robert Borden, alors chef de l'opposition, promit que s'il était élu il radicaliserait la réforme de la Fonction publique. Lorsqu'il accéda au pouvoir plus tard cette même année, il demanda une enquête sur la Fonction publique, plus complète que celle qui avait été menée par la Commission Courtney en 1907. En 1908, suite à cette enquête, l'administration Laurier avait mis sur pied la Commission de la Fonction publique. Elle avait également institué le principe du mérite (sélection et promotion des fonctionnaires par concours) pour « l'administration interne », comme on désignait alors le segment de Fonction publique situé dans la région d'Ottawa. Les commissaires nommés en 1912 conclurent que les autres secteurs de la Fonction publique avaient été ignorés, qu'on n'avait jamais ni étudié ni réorganisé la machine administrative dans son ensemble, et qu'on n'avait jamais examiné les différentes parties dans leurs relations avec l'ensemble. Les commissaires ajoutèrent que, du fait de l'expansion considérable du pays, divers besoins avaient fait leur apparition, et des services avaient été mis sur pied pour y répondre, mais qu'aucun effort concerté n'avait été accompli pour coordonner ces services avec les ministères de la Fonction publique dans son ensemble, pas plus qu'on avait assigné à chacun un statut et des fonctions particulières au sein de la grande machine administrative.

En instituant une enquête publique sur la Fonction publique, l'administration Borden espérait manifestement que l'on ferait apparaître certaines des insuffisances de l'ancienne administration. Selon le décret en conseil du 21 décembre 1911 établissant la commission, l'enquête aurait pour objet de donner assez de renseignements pour permettre de corriger les défauts, faire disparaître les abus, adopter des méthodes plus efficaces et sauvegarder pleinement les intérêts du public (R. Craig Brown, *Robert Laird Borden. A Biography*. Volume I : 1854-1914. Toronto, MacMillan, 1975, p. 211-214; *The Canadian Annual Review*, 1912, p. 204-205; Décret du conseil C.P. 2928, 21 décembre 1911; Archives nationales du Canada, Archives des commissions royales d'enquête, RG 33/83, vol. 12, coupures de presse relatives à la Fonction publique).

La commission tint ses audiences du 19 janvier au 17 août 1912 à Halifax, Charlottetown, Saint John, Sorel, Montréal, Ottawa, Saskatoon, Regina, Edmonton, Calgary, Victoria, Vancouver et New Westminster.

Décret en conseil C.P. 2928, 21 décembre 1911, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du premier ministre.

Faire enquête sur toutes les circonstances se rattachant aux récents détournements au ministère de la Milice et de la Défense et sur le système de comptabilité des divers ministères du gouvernement du Canada, en particulier sur l'émission des chèques, la perception et l'emploi des deniers publics; faire rapport sur les changements à apporter, s'il y a lieu, dans le but d'assurer le mieux possible la protection des intérêts publics.

John Mortimer Courtney, George Burn et Ambrose Leonard Kent.
Témoignages présentés à la commission par divers ministères du gouvernement du Canada, brouillons et exemplaire dactylographié du rapport de la commission, mémoires et rapports relatifs aux méthodes comptables de plusieurs ministères et documents connexes.

Voir l'instrument de recherche 33/82-80.

Non daté. Déposé à la Chambre des communes le 15 juin 1903, Document parlementaire n° 29b, 1903. Intitulé *Rapport de la Commission chargée de faire enquête sur le détournement de fonds remis par Martineau*, Ottawa, Imprimeur du Roi, 1903, 12 p.
Rapport supplémentaire de l'auditeur général sur les conclusions des commissaires dans l'affaire Martineau, Ottawa, Imprimeur du Roi, 1903, 7 p. Chambre des communes, Document parlementaire n° 29c, 1903.

Correspondance avec l'auditeur général au sujet des règlements du Conseil du Trésor résultant des détournements de fonds de Martineau, Ottawa, Imprimeur du Roi, 19 p., Chambre des communes, Document parlementaire n° 29d, 1903.

Texte réglementaire :

Décret en conseil C.P. 350, 6 mars 1903, en vertu de l'Acte *concernant les enquêtes sur les affaires publiques* (S.R.C., 1886, ch. 114) et sur la recommandation du ministre des Finances.

Mandat :

Commissaires :

Documents :

Rapport :

Publications :

Titre :

Historique :

Commission chargée d'enquêter et de faire rapport sur les récents détournements de fonds au ministère de la Milice et de la Défense et sur les méthodes de tenue des comptes de plusieurs ministères du gouvernement, notamment en ce qui concerne la délivrance des chèques ainsi que l'encaissement et l'utilisation des deniers publics, 1901-1903, O,1 m (vol. 1)

Le 1^{er} août 1901, M. Martineau entrain en fonction à la Direction de la comptabilité du ministère de la Milice et de la Défense et, en octobre 1901, il tirait des chèques couverts par la lettre ministérielle de crédit à la Banque de Montréal.

Dans le système des lettres de crédit, les chèques du gouvernement présentés à la banque sont payés à même les fonds de cette dernière, laquelle est ensuite remboursée par le receveur général du Canada.

Dans l'affaire Martineau, l'argent était tiré à la Banque de Montréal grâce à des chèques falsifiés. Quand la banque envoyait le relevé mensuel du ministère de la Milice et de la Défense à la Direction de la comptabilité, Martineau détruisait les chèques annulés et passait le relevé à un autre employé de la direction chargé de vérifier. Il semble que cet employé signalait le relevé de la banque, croyant sur parole Martineau qui lui affirmait que tout était correct.

En janvier 1903, le comptable adjoint du ministère de la Milice et de la Défense remarqua que le compte de la banque était assez substantiellement inférieur à celui qui apparaissait dans les livres du ministère. Après une investigation plus poussée, le comptable découvrit que les relevés fournis par la banque entre décembre 1901 et décembre 1902 manquaient, et qu'un montant total de 75 705 \$ avait été réclamé par la Banque de Montréal, montant pour lequel le ministère n'avait pas émis de chèque.

On découvrit aussi que Martineau avait ouvert trois comptes bancaires à Ottawa: un sous son propre nom, et deux sous un nom d'emprunt, Chas. D. Côté. Pour chacun des comptes, il était inscrit comme trésorier du ministère de la Milice et de la Défense. Après cette découverte, Martineau fut arrêté en possession de 12 443,77 \$. Plus tard, on récupéra un plus petit montant, mais la majeure partie de l'argent détourné avait été perdu dans des spéculations boursières.

Cette affaire de détournement de fonds poussa le gouvernement du Canada à instituer une commission d'enquête, le 6 mars 1903, pour étudier les méthodes comptables des ministères en matière de recouvrement et de débours des fonds gouvernementaux (*Rapport de la Commission chargée de faire enquête sur le détournement de fonds commis par Martineau*, Ottawa, Imprimeur du Roi, 1903).

La commission étudia les pratiques comptables des divers ministères du gouvernement du Canada, du 6 mars au 15 juin 1903.

- a) de la demande en morue et autres espèces de poissons, ainsi que de la concurrence entre les divers modes d'apprêt du poisson;
- b) de la concurrence sur les marchés mondiaux entre la morue salée et d'autres produits du poisson salé; des moyens d'accroître le rendement de l'industrie du poisson salé et d'augmenter les revenus des producteurs dans le contexte de l'expansion économique générale de la région;
- 2) sur les questions pertinentes qui, de l'avis du commissaire, devraient faire l'objet de l'enquête.

Commissaire :

Donovan B. Finn.

Secrétaire :

Roger W. Bedard.

Documents :

Mémoires et autres communications provenant des provinces de l'Atlantique et du Québec, correspondance, documents de travail, comptes rendus d'audiences et un exemplaire du rapport de la commission.

Voir l'instrument de recherche 33/81-79.

Rapport :

Non daté. N'a pas été déposé à la Chambre des communes. Intitulé *Rapport de la Commission du poisson salé de l'Atlantique* [Ottawa, s.d.], xii, 185 p.

Publications :

Le Rapport de la Commission du poisson salé de l'Atlantique comprend une bibliographie.

qui amènerait une commercialisation méthodique du poisson salé, stabiliserait les prix offerts aux producteurs, réduirait les risques commerciaux encourus par les industries de traitement du poisson et assurerait un produit de qualité aux marchés d'exportation.

La conservation du poisson par salaison en vue de l'exportation est une des plus anciennes industries du Canada. Pendant de nombreuses années, les provinces de l'Atlantique et le Québec ont exporté de grandes quantités de poisson salé vers les Caraïbes, l'Espagne, le Portugal, l'Italie et d'autres pays. Par exemple, pour l'année 1963, les exportations canadiennes de poisson salé de plus de 135 millions de livres ont rapporté plus de 25 millions de dollars.

À la suite des initiatives prises par le gouvernement de Terre-Neuve, le gouvernement du Canada adopta, le 29 octobre 1964, un décret en conseil constituant une Commission chargée d'étudier les problèmes de commercialisation du poisson salé produit dans les provinces atlantiques (*The Daily News*, St. John's (T.-N.), 13 novembre 1964; Archives nationales du Canada, Archives des commissions royales d'enquête, RG 33/81, vol. 1, dossier ASFC-10, *National Fisheries Development, A Presentation to the Government of Canada by the Government of Newfoundland*, St. John's (T.-N.), février 1963, et Mémoire du ministre du Développement économique à la commission d'enquête du gouvernement fédéral sur la commercialisation du poisson salé, Division de la Loi sur l'aménagement rural et le développement agricole, 14 janvier 1964).

En 1970, le gouvernement institua l'Office canadien du poisson salé (L.R.C., 1985, ch. S-4) pour améliorer les revenus des pêcheurs et autres producteurs de poisson salé, que ce soit dans le domaine de la production, de l'achat, du traitement ou de la commercialisation de la morue salée.

La commission tint ses audiences du 1^{er} au 15 février 1965 à St. John's (T.-N.), Halifax, Fredericton et Québec. Elle reçut un nombre indéterminé de mémoires provenant de gouvernements provinciaux et d'associations représentant l'industrie et les pêcheurs.

Décret en conseil C.P. 1672, 29 octobre 1964, en vertu de la Loi sur les enquêtes (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre. Le décret en conseil ne précise pas de quelle partie de la loi relève cette enquête.

Mandat :

Texte réglementaire :

Faire enquête et rapport sur les problèmes de commercialisation dans l'industrie du poisson salé des provinces de l'Atlantique et, en particulier :

1) sur l'opportunité d'établir un organisme ou office de vente en vue de régir les exportations de poisson salé provenant des provinces de l'Atlantique, en tenant compte :

Commission d'enquête sur les questions de mise sur le marché du poisson salé des provinces de l'Atlantique, 1964-1965, 0,3 m (vol. 1-3)

Historique :

Du 24 au 27 septembre 1962, le gouvernement de Terre-Neuve tint une conférence sur les pêcheries. Une proposition y fut adoptée qui amena la constitution de la Commission des pêcheries de Terre-Neuve. Cette commission, qui déposa son rapport le 17 avril 1963, fit enquête sur la situation des pêcheries et formula des recommandations visant à améliorer cette industrie.

Vers la même époque, le gouvernement de Terre-Neuve confia à des spécialistes des pêches et de l'agriculture le soin de mener une enquête détaillée sur les politiques relatives aux pêcheries. En février 1963, le gouvernement de Terre-Neuve publiait donc une étude intitulée *National Fisheries Development*, qui préconisait la mise sur pied d'un programme complet de développement des pêcheries. Selon les auteurs de l'étude, les problèmes les plus épineux résidaient dans les difficultés de base de toute industrie primaire, à savoir un marché insuffisamment exploité, une mise en marché peu méthodique et des prix instables; dans le besoin d'améliorer la qualité du produit; dans la grande insuffisance du crédit, si ce n'est dans son absence presque totale; dans le manque d'équipement et de moyens techniques que le crédit pourrait procurer; et dans la nécessité d'une des collectivités rurales de se développer dans le contexte d'une industrie obligée de s'ajuster rapidement et de subir de pénibles changements.

Pour faire face à ces problèmes, l'étude sur la mise en valeur des pêcheries, qui avait été soumise au gouvernement canadien, recommandait que des mesures soient immédiatement adoptées pour entreprendre une étude fédérale, préparer les textes réglementaires nécessaires et coordonner les arrangements avec les provinces participantes. Elle préconisait en outre que soit créé un organisme de commercialisation et de stabilisation des prix qui servirait les intérêts des producteurs de poisson salé, de la même façon que la Commission canadienne du blé sert les intérêts des cultivateurs céréaliers des Prairies.

L'étude comprenait plusieurs suggestions et recommandations qui furent incluses dans le *Rapport et recommandations de la Commission des pêcheries de Terre-Neuve au gouvernement de cette province* (avril 1963).

De plus, en janvier 1964, le gouvernement du Canada convoqua une conférence fédérale-provinciale pour discuter de l'élaboration d'une politique nationale sur l'industrie du poisson salé selon les orientations proposées par le gouvernement de Terre-Neuve. Lors de cette conférence, le gouvernement terre-neuvien recommanda une fois de plus la création d'un organisme national de commercialisation du poisson salé. Il souhaitait mettre sur pied toute une organisation

La bibliothèque des Archives nationales possède plus de 180 travaux de recherche, publiés ou non, qui ont été préparés pour la commission. On en trouvera la liste et les cotes dans l'instrument de recherche 33/80-71, partie 9. En outre, environ 125 de ces travaux de recherche ont été microfilmés par la Canadian Library Association. Plusieurs établissements se sont procurés ces microdocuments, dont la Bibliothèque nationale du Canada, qui possède aussi d'autres travaux de recherche de la commission, imprimés ou dactylographiés.

Hugh R. Innis, éd. *Bilingualism and Biculturalism : An Abridged Version of the Royal Commission Report*, Toronto, McClelland and Stewart, 1973. (Publié avec le concours du Secréariat d'Etat et d'Information Canada).

Rapports :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1971-107 : Canada. Commission royale sur le bilinguisme et le biculturalisme. Quatre-vingt onze photographies de membres de la commission, 1970.

Fondation Lionel-Groulx, Centre de recherche Lionel-Groulx, Outremont (Québec), documents personnels de André Laurendeau, 1963-1967, 10,6 m, rapports, travaux, délibérations et autres documents relatifs à la Commission Laurendeau-Dunton.

Rapport préliminaire. Daté du 1^{er} février 1965. Déposé à la Chambre des communes le 25 février 1965. Document parlementaire n° 354, 1964-1965. Intitulé *Rapport préliminaire de la Commission royale d'enquête sur le bilinguisme et le biculturalisme* [Ottawa, imprimeur de la Reine, 1965], 217 p.

Volume 1. Daté du 8 octobre 1967. Déposé à la Chambre des communes le 5 décembre 1967. Document parlementaire n° 254, 1967-1968. Intitulé *Rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Introduction générale. Livre 1 : Langues officielles* [Ottawa, imprimeur de la Reine, 1967], xliii, 229 p.

Volume 2. Daté du 23 mai 1968. Déposé à la Chambre des communes le 9 décembre 1968. Document parlementaire n° 257, 1968-1969. Intitulé *Rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Livre 2 : Education* [Ottawa, imprimeur de la Reine, 1968], 379 p.

Volumes 3A et 3B. Datés du 19 décembre 1969. Déposés à la Chambre des communes le 17 décembre 1969. Document parlementaire n° 282-1/102, 1969-1970. Intitulé *Rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Livre 3 : Le monde du travail* [Ottawa, imprimeur de la Reine, 1969], p. 1-492 et p. 493-646.

Volume 4. Daté du 23 octobre 1969. Déposé à la Chambre des communes le 15 avril 1970. Document parlementaire n° 282-4/102A, 1969-1970. Intitulé *Rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Livre 4 : Apport culturel des autres groupes ethniques* [Ottawa, imprimeur de la Reine, 1970], vi, 390 p.

Volume 5. Daté du 14 février 1970. Déposé à la Chambre des communes le 25 juin 1970. Document parlementaire n° 282-4/101B, 1969-1970. Intitulé *Rapport de la Commission royale sur le bilinguisme et le biculturalisme. Livre 5 : La capitale fédérale; Livre 6 : Les associations volontaires* [Ottawa, imprimeur de la Reine, 1970], 243 p.

Selon Neil Morrison, co-secrétaire de la Commission royale sur le bilinguisme et le biculturalisme, les commissaires projetaient de publier un volume sur les questions constitutionnelles. La mort d'André Laurendeau a empêché ce projet.

Secrétaires :

Paul Lacoste et Neil M. Morrison.

Documents (textuels) :

Mémoires, comptes rendus d'audiences et documents connexes, dossiers de recherche et documents de travail, dossiers administratifs, coupures de journaux, procès-verbaux des réunions des commissaires, brouillons des rapports de la commission et documents connexes.

Les comptes rendus d'audiences peuvent également être consultés sur microfilm.

Voir l'instrument de recherche 33/80-71 (parties 1-9) et un index sur fiches disponible sur microfiche.

Documents (TED) :

38 fichiers électroniques contenant des données d'enquête produites pour la commission par des chercheurs contractuels en sciences sociales. Ces documents couvrent un vaste éventail de sujets : les postes bilingues, les services de dotation et de traduction dans les ministères et organismes gouvernementaux, l'utilisation du français et de l'anglais dans la Fonction publique fédérale, ainsi que dans l'administration publique du Nouveau-Brunswick, du Québec, de l'Ontario et du Manitoba; l'insertion sociale et économique des Italiens de Montréal et d'Edmonton; les attitudes des gestionnaires francophones et anglophones dans les grandes et les petites industries (RG 30/80, n^{os} d'acquisition : G0000001-G00000003; G0000005-G0000018; G0000025-G0000032; G0000306; G0000343; G0000345; G0000497; G0000499; G0000501; G0000503; G0000505; G0000507; et G0000532-G0000534).

Autres documents :

Archives nationales du Canada, Commission royale sur le bilinguisme et le biculturalisme. Documents cartographiques et architecturaux. Hogg, J.M., *Montreal Population*, 1961 : étude en quatre volumes menée par la Commission royale sur le bilinguisme et le biculturalisme, dans le cadre d'un marché de services conclu avec le Département de géographie de l'Université McGill, 1^{er} septembre 1965. Atlas (4 v.) G1144. M6E1M3, 1965, fol. v. 1-4. On trouvera une variante de la carte 152 du volume II dans J.M. Hogg, *Italian proportional population* 1961. H3/340, Montréal, 1961 (1965).

Archives nationales du Canada, Commission royale sur le bilinguisme et le biculturalisme. Documents audio-visuels. Enregistrements sonores d'audiences, de séminaires, de conférences de presse, d'entrevues, de programmes de radio et de télévision relatifs à la commission, 1963-1969, environ 140 h., n^o d'acquisition 1970-0012; enregistrements sonores d'émissions de télévision de CBC, « The public eye », qui concernent la campagne électorale de 1965, environ 29 mn, n^o d'acquisition 1971-0011; enregistrements sonores de programmes et de bulletins de nouvelles radiophoniques, de conférences de presse et d'entrevues avec certains des commissaires, 1967-1969, environ 10 h., n^o d'acquisition 1971-0037; et un film sur le bureau principal de la commission, 1970, environ 34 mn, n^o d'acquisition 1973-0139.

Texte réglementaire :

premiers ministres provinciaux et les ministres de l'Éducation. D'autres réunions régionales furent convoquées dans vingt-trois centres régionaux du Canada, du 18 mars au 16 juin 1964. Finalement, la commission tint ses audiences du 1^{er} mars au 16 décembre 1965 à Moncton, Halifax, Québec, Montréal, Ottawa, Toronto, Winnipeg, Regina, Edmonton et Vancouver. Elle reçut plus de 400 mémoires. Décret du conseil C.P. 1106, 19 juillet 1963, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Faire enquête et rapport sur l'état présent du bilinguisme et du biculturalisme au Canada et recommander les mesures à prendre pour que la Confédération canadienne se développe d'après le principe de l'égalité entre les deux peuples qui l'ont fondée, compte tenu de l'apport des autres groupes ethniques à l'enrichissement culturel du Canada, ainsi que les mesures à prendre pour sauvegarder cet apport; en particulier :

1) faire rapport sur l'état et la pratique du bilinguisme dans tous les services et institutions de l'administration fédérale — y compris les sociétés d'État — ainsi que dans leurs contacts avec le public, et présenter des recommandations de nature à assurer le caractère bilingue et fondamentalement bicultural de l'administration fédérale;

2) faire rapport sur le rôle dévolu aux organismes publics et privés, y compris aux grands organes de communication, en vue de favoriser le bilinguisme, de meilleures relations culturelles, ainsi qu'une compréhension plus générale du caractère fondamentalement bicultural de notre pays et de l'apport subséquent des autres cultures; présenter des recommandations en vue d'intensifier ce rôle; et

3) discuter avec les gouvernements provinciaux, compte tenu de ce que la compétence constitutionnelle en matière d'éducation est confiée aux provinces, des occasions qui sont données aux Canadiens d'apprendre le français et l'anglais et présenter des recommandations sur les moyens à prendre pour permettre aux Canadiens de devenir bilingues.

Commissaires :

André Laurendeau et Arnold Davidson Dunton, co-présidents; père Clément Cormier, Royce Frith, Jean-Louis Gagnon, Gertrude M. Lain, Jean Marchand, Jaroslav Bohdan Rudnycky, Frank Reginald Scott et Paul Wyczynski.

Le 22 novembre 1965, Paul Lacoste fut nommé commissaire en remplacement de Jean Marchand qui avait démissionné le 21 septembre. Le 8 octobre 1968, Jean-Louis Gagnon fut nommé co-président et André Raynaud commissaire, après le décès d'André Laurendeau, le 1^{er} juin (Décrets du conseil C.P. 2074, 22 novembre 1965 et C.P. 1926, 8 octobre 1968).

Le discours de Pearson suscita des réactions généralement favorables. Aussi, lorsque les Libéraux prirent le pouvoir, en avril 1963, la mise sur pied d'une commission royale sur le bilinguisme et le biculturalisme devint une priorité de la nouvelle administration. Le 15 mai, le premier ministre Pearson écrivit à tous ses homologues provinciaux, les consultant sur le mandat proposé à la commission royale, lequel était beaucoup plus vaste que celui que suggérerait Laurendeau. Cette démarche s'imposait du fait que l'enquête devait comporter une étude de l'éducation, domaine de compétence provinciale. Le 12 juin 1963, avant que les réponses des premiers ministres aient été rendues publiques, Lamontagne annonçait à la Chambre des communes qu'un comité du Cabinet avait déjà été formé pour encourager le bilinguisme dans la Fonction publique. Puis, le 10 juillet, le premier ministre déposa au Parlement les lettres qu'il avait échangées avec ses homologues provinciaux. La plupart d'entre eux approuvaient le mandat proposé, mais E.C. Manning, premier ministre de l'Alberta, exprimait de sérieuses réserves. Néanmoins, le 22 juillet, Pearson annonça la constitution de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, avec, comme co-présidents, Davidson Dunton et André Laurendeau.

Selon l'historien John T. Saywell, le mandat de la commission d'enquête était très imprécis. À l'instar d'autres observateurs, Saywell trouvait ce mandat décevant, trop étiré, et tous soulignaient que les dimensions du problème dépassaient les limites étroites d'une enquête sur le bilinguisme et le biculturalisme.

D'après l'historien, les commissaires eurent l'impression de devoir remodeler l'État, non seulement son cadre, mais aussi ses fondations. Dans leur premier document de travail, ils ont clairement indiqué qu'ils étaient moins préoccupés par les aspects étroits du bilinguisme et du biculturalisme que par l'idée d'un partenariat égal, qu'ils désignèrent comme étant l'idée-force de la commission, et ils notèrent avec un certain plaisir qu'à la différence des commissaires Rowell et Stairs, ils ne se sentaient pas limités par les termes de leur mandat. (Voir Gérard Pelletier, « The Kick-Off », *Language and Society*, Rapport spécial sur le 25^e anniversaire de la Commission sur le bilinguisme et le biculturalisme et le 20^e anniversaire de la Loi sur les langues officielles, Commission des langues officielles [Ottawa, Approvisionnement et Services Canada, 1989], éte 1989, p. R-9; John A. Munro et Alex I. Inglis, éd., *Mike : The Memoirs of the Right Honourable Lester B. Pearson*, vol. 3 1957-1968, Toronto, University of Toronto Press, 1975, p. 67-69; John T. Saywell, « The Royal Commission on Bilingualism and Biculturalism », *International Journal*, Institut canadien d'affaires internationales, vol. XX, n° 3, éte 1965, p. 378-382; et *The Diary of André Laurendeau*, écrit à l'époque de la Commission royale sur le bilinguisme et le biculturalisme, 1964-1967. Textes choisis et présentés par Patricia Smart. Traduction de Patricia Smart et Dorothy Howard, Toronto, James Lorimer and Company, 1991, p. 1-11 et 18-29).

Une audience préliminaire eut lieu à Ottawa, les 7 et 8 novembre 1963. De janvier à mars 1964, les commissaires rencontrèrent les dix

Commission royale d'enquête sur le bilinguisme et le biculturalisme, 1963-1971, 45,1 m (vol. 1-222, bobines de microfilm C-4884 à C-4888 et une microfiche; acquisitions 1974-75/039 et 1984-85/089, 117,3 m, boîtes 1-424 et 1-90; comprend également des documents électroniques)

Historique :

Dans l'éditorial du *Devoir* du 20 janvier 1962, André Laurendeau réclamaït une commission royale d'enquête sur le bilinguisme et le biculturalisme. Laurendeau, qui allait devenir co-président de la commission royale, traitait dans son article de la participation des Canadiens français à la Confédération et, en particulier, à la Fonction publique fédérale et aux organismes gouvernementaux connexes. L'éditorial, qui suggérait une étude en profondeur de cette question, ne manqua pas d'éveiller l'intérêt du public. Comme l'affirmait Gérard Pelletier, ancien journaliste et ministre du Cabinet libéral, Laurendeau posait le problème avec clarté, persuasion et calme, tout en ne cachant pas l'urgence de l'action qu'il recommandait. Laurendeau et d'autres Canadiens français voulaient, entre autres choses, que la dualité culturelle du Canada soit officiellement reconnue. Ces revendications poussèrent Lester B. Pearson à passer à l'action. Les motifs de Pearson étaient d'ordre politique, affirme Patricia Smart, qui ajoute que, dans l'opposition, les Libéraux s'engagèrent dans cette voie, d'une part pour récupérer le vote du Québec cédé à Diefenbaker en 1957, et, d'autre part, parce que le chef libéral Lester B. Pearson et ses conseillers étaient convaincus de la nécessité d'établir de nouvelles relations avec le Québec.

À l'automne 1962, Maurice Lamontagne, député d'Outremont-St-Jean, prépara un discours que Pearson prononça à la Chambre des communes, le 17 décembre 1962. Il y suggérait qu'une enquête générale sur la question du bilinguisme et du biculturalisme au Canada soit menée en consultation avec les provinces. Pearson déclarait qu'il était clair pour tous que les Canadiens français étaient déterminés à prendre en main leur destin économique et culturel dans leur propre société renouvelée et encore en pleine mutation; qu'ils demandaient aussi la possibilité de participer équitablement à tous les services du gouvernement et d'y faire pleinement reconnaître leur langue, ce droit découlant du principe de l'égalité des partenaires dans la Confédération.

De l'avis de Pearson, le Canada avait atteint un stade où il fallait revoir sérieusement et collectivement la situation du bilinguisme et du biculturalisme, ainsi que les expériences vécues dans l'enseignement du français et de l'anglais et dans les relations entre les deux peuples fondateurs. Selon l'orateur, l'étude devrait aussi encourager les Canadiens, que ce soit individuellement ou regroupés en associations et organismes, à exprimer leur point de vue sur la situation, et leur en fournir la possibilité. Si la situation était jugée insatisfaisante, ils auraient à suggérer des mesures concrètes pour l'améliorer et parvenir à une participation équilibrée des deux peuples fondateurs aux affaires nationales.

Textes réglementaires :

Décret du conseil C.P. 1269, 9 juillet 1965, en vertu de la première partie de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154), et sur la recommandation du premier ministre.

Mandat :

Enquêter et faire rapport sur les problèmes de commercialisation de l'industrie du poisson d'eau douce dans les provinces de l'Ontario, du Manitoba, de la Saskatchewan, de l'Alberta et des Territoires du Nord-Ouest. Les commissaires doivent plus particulièrement se pencher et faire rapport sur les questions suivantes : (1) la nature des facteurs qui affaiblissent les prix du poisson d'eau douce, notamment sur les marchés d'exportation; (2) la possibilité de mieux coordonner la production et l'offre par rapport à la demande pour parvenir à une mise en marché plus méthodique; (3) la possibilité et l'opportunité d'établir un monopole d'exportation pour améliorer la mise en marché et assurer de meilleurs revenus aux producteurs, compte tenu des propositions soumises au Comité fédéral-provincial des pêcheries dans les Prairies; et (4) toute autre question pertinente qui pourrait se présenter au cours de l'enquête et qui, de l'avis du commissaire, devrait en faire partie.

Commissaire :

George H. McIvor.

Secrétaire :

Roger W. Bedard.

Documents :

Correspondance, procès-verbaux de réunions, brouillons du rapport du commissaire, rapports sur la commercialisation et autres aspects de l'industrie du poisson d'eau douce, mémoires et comptes rendus d'audiences.

Ce groupe de documents comprend également des dossiers de l'Office de commercialisation du poisson d'eau douce, société d'État créée en 1969 pour promouvoir la mise en marché et le commerce du poisson d'eau douce, des produits et sous-produits du poisson.

Voir l'instrument de recherche 33/79-70.

Autres documents :

Archives nationales du Canada, documents photographiques, n° d'acquisition 1978-158 : Canada. Commission d'enquête sur les problèmes commerciaux de l'industrie du poisson d'eau douce. Treize photographies de pêcheries canadiennes en eau douce, ca. 1965.

Rapport :

Non daté. Déposé à la Chambre des communes le 17 octobre 1966. Document parlementaire n° 57a, 1966-1967. Imprimé sous le titre : *Rapport de la Commission d'enquête sur la mise en marché du poisson d'eau douce* [Ottawa, 1966], xi, 144 p.

Titre :

Historique :

Commission pour faire enquête et rapport sur les problèmes commerciaux de l'industrie du poisson d'eau douce dans les provinces d'Ontario, du Manitoba, de la Saskatchewan, d'Alberta et dans les Territoires du Nord-Ouest, 1961-1976, 1, 2 m (vol. 1-6)

Tenue à Ottawa les 23 et 24 janvier 1964, la conférence fédérale-provinciale sur l'expansion des pêcheries traita de l'industrie canadienne du poisson d'eau douce. À cette conférence, on s'accorda pour dire que la commercialisation constituait l'une des principales pierres d'achoppement de cette industrie et que l'utilité d'une commission de commercialisation méritait un examen plus poussé. Par commercialisation on entend le processus d'acheminement du poisson d'eau douce du producteur au consommateur. Ceci inclut non seulement l'exportation, mais aussi la manipulation et le traitement du poisson d'eau douce pour le marché intérieur.

Les discussions de la conférence menèrent à la création du Comité intergouvernemental de commercialisation du poisson d'eau douce. Par la suite, ce comité devint le Sous-comité de la commercialisation du Comité fédéral-provincial des pêcheries dans les Prairies. Ce sous-comité se pencha sur l'instabilité des prix et sur la demande de produits de la pêche en eaux douces. Il chercha également à augmenter les revenus des producteurs par une meilleure commercialisation des produits de la pêche. Il recommanda au gouvernement fédéral de mettre sur pied une Commission d'exportation du poisson d'eau douce — en fait, une commission de commercialisation — pour les provinces de l'Ontario, du Manitoba, de la Saskatchewan, de l'Alberta et des Territoires du Nord-Ouest. Cette recommandation mena à la création d'une enquête publique sur l'industrie du poisson d'eau douce (*Rapport de la Commission d'enquête sur la mise en marché du poisson d'eau douce*, Ottawa, 1966, p. vii-viii).

En 1969, le gouvernement canadien mit sur pied l'Office de commercialisation du poisson d'eau douce (L.R.C., 1985, c. F-13) pour traiter et commercialiser le poisson d'eau douce pêché par les pêcheurs commerciaux du Manitoba, de Saskatchewan, d'Alberta, des Territoires du Nord-Ouest et de certaines régions du nord-ouest de l'Ontario.

Les audiences de la commission eurent lieu du 6 octobre au 10 décembre 1965 à Belleville, London, Sudbury, Sault-Ste-Marie, Pictou, Port Arthur, Kenora, Winnipeg, Gimli, Winnipegosis, Le Pas, Lynn Lake, Prince Albert, Meadow Lake, Edmonton et Hay River. Les commissaires rendirent également visite à des grossistes, des industries de transformation du poisson et des détaillants de New York, Détroit et Chicago. La commission reçut un nombre indéterminé de mémoires venant d'organismes et de particuliers.

Publications :

Un certain nombre de travaux de recherche ont été publiés. On en trouvera la liste dans G.F. Henderson, *Federal Royal Commissions in Canada 1867-1966, A Checklist*, Toronto, 1967, p. 169-171.

seront à la disposition de tous les Canadiens. Les recommandations porteront en particulier sur les questions suivantes : (a) les installations et les moyens actuels de prestation de services de santé aux particuliers, incluant la prévention, le diagnostic, les traitements et la réadaptation; (b) les moyens d'améliorer les services de santé actuels; (c) la corrélation de tout programme nouveau ou amélioré avec les services actuels; (d) les besoins actuels et futurs en personnel pour fournir ces services de santé; (e) les moyens de recruter un personnel approprié possédant la meilleure formation et la plus haute compétence possible pour de tels services; (f) les installations ou moyens matériels actuels et les exigences futures pour assurer des services de santé convenables; (g) l'estimation des coûts des services de santé actuellement offerts aux Canadiens, ainsi que les coûts prévus de tout changement qui pourrait être recommandé; (h) le mode de financement des services de santé; (i) le mode de financement de tout programme nouveau ou élargi, qui pourrait être recommandé; (j) le rapport existant entre les recherches médicales et les programmes actuels, ainsi que les moyens d'encourager des progrès scientifiques soutenus dans le domaine de la médecine au Canada; (k) la possibilité et l'opportunité d'établir des priorités dans l'amélioration des services de santé; et (l) toute autre question que les commissaires estiment appropriées pour l'amélioration des services de santé.

Commissaires :

Emmett Matthew Hall, président; Alice Girard, David M. Baltzan, O. John Firestone, Cecil Leslie Strachan, Arthur F. Van Wart et Malcolm Wallace McCutcheon. Le 9 août 1962, McCutcheon, nommé au Sénat et au Cabinet fédéral, démissionna.

Secrétaire :

N. Lafrance.

Documents :

Dossiers administratifs, documentation de recherche, documents de travail, correspondance avec divers ministères, organismes et particuliers, mémoires, comptes rendus d'audiences et documents connexes.

Voir l'instrument de recherche 33/78-69.

Autres documents :

Archives nationales du Canada, documents personnels de Emmett Hall, MG 31, E11, correspondance, procès-verbaux, rapports et brochures relatifs à la Commission royale sur les services de santé.

Volume I. Date du 26 février 1964. Déposé à la Chambre des communes le 19 juin 1964. Document parlementaire n° 274, 1964-1965.

Volume II. Date du 7 décembre 1964. Déposé à la Chambre des communes le 18 février 1965. Document parlementaire n° 274d, 1964-1965.

Rapport :

Imprimé sous le titre : *Commission royale sur les services de santé* [Ottawa, Imprimeur de la Reine, 1964-1965], 2 v., 1286 p.

fédéral d'établir une enquête indépendante sur les services de santé. L'association souhaitait que soit menée une étude objective qui éviterait les conflits politiques du genre de ceux qu'avait connus la Saskatchewan.

Dans cette province, l'engagement du gouvernement provincial à introduire un régime d'assurance-maladie obligatoire dans toute la province rencontra une vive opposition de la part du Collège des médecins et chirurgiens de la Saskatchewan. Celui-ci appuyait l'extension du régime d'assurance-maladie au moyen de régimes d'indemnités et de services, et l'assistance médicale devint l'un des principaux enjeux des élections provinciales de 1960. Le conflit entre le gouvernement provincial et les médecins se prolongea encore longtemps, car, malgré la grève de nombreux médecins, le collége ne put empêcher l'entrée en vigueur du régime provincial d'assurance-maladie, le 1^{er} juillet 1962.

Lors d'une réunion tenue en 1960, l'Association médicale canadienne, alertée par la controverse en Saskatchewan, demanda à son Conseil de direction de rencontrer le gouvernement fédéral et de le prier d'établir un comité chargé d'étudier les besoins et les ressources du Canada en matière de soins de santé, ainsi que les façons d'assurer le meilleur niveau de soins à tous les Canadiens.

Cette décision fut transmise au premier ministre Diefenbaker, le 12 décembre 1960. Le 21 décembre, le premier ministre répondait en promettant la création d'une commission royale sur les services de santé. Six mois s'écoulèrent cependant avant que le gouvernement promulgue un décret établissant officiellement l'enquête fédérale (Malcolm G. Taylor, *Health Insurance and Canadian Public Policy: The Seven Decisions that Created the Canadian Health Insurance System*, Montréal, McGill-Queens University Press, 1978, p. 331-337 et *Royal Commission on Health Services*, 1964, vol. 1, p. 381-422).

Les audiences de la commission eurent lieu à St. John's (T.-N.), Halifax, Charlottetown, Fredericton, Québec, Montréal, Toronto, Ottawa, Winnipeg, Regina, Edmonton, Vancouver, Victoria et Whitehorse, du 27 septembre 1961 au 11 mars 1963. Les délégués de la commission se rendirent également au Royaume-Uni, en France, en Hollande, en Suède, en Suisse, en Autriche, en Italie, aux États-unis, en Union soviétique, en Australie et en Nouvelle-Zélande. La commission reçut 406 mémoires.

Décret du conseil C.P. 883, 20 juin 1961, en vertu de la première partie de la *Loi sur les enquêtes* (S.R.C., 1952, ch. 154) et sur la recommandation du premier ministre.

Mandat :

Texte réglementaire :

Faire enquête et rapport sur les moyens actuels et les besoins futurs en matière de services de santé pour la population du Canada, ainsi que sur les ressources destinées à assurer ces services; recommander les mesures, compatibles avec la répartition constitutionnelle des pouvoirs législatifs au Canada, qui, de l'avis des commissaires, assureront que les meilleurs soins de santé possible

Historique :

La conférence fédérale-provinciale de 1955 faisait place à des discussions sur l'implantation au Canada d'un programme complet d'assurance-maladie. La décision de mettre sur pied un régime national d'assurance-hospitalisation témoignait d'une prise de conscience que, de tous les services de santé, les soins en milieu hospitalier étaient les plus onéreux. Ces discussions, et les négociations qui s'ensuivirent, donnèrent lieu à la *Loi sur l'assurance-hospitalisation et les services diagnostiques* (5-6 Eliz. II, c. 28, 1956-1957, amendée par 7 Eliz. II, c. 6, 1958), entrée en vigueur le 1^{er} juillet 1958 dans cinq provinces participantes. Elle autorisait les paiements fédéraux pour certains services hospitaliers fournis par les provinces dans le cadre de régimes d'assurance-maladie administrés par ces provinces. Le 1^{er} janvier 1961, les dix provinces offraient une assurance-hospitalisation subventionnée par le gouvernement fédéral.

Selon le Rapport de la Commission royale sur les services de santé, le programme national d'assurance-hospitalisation fut favorablement accueilli. Il y est souligné que les interventions des associations d'hôpitaux, des gouvernements provinciaux et des groupes de consommateurs, de même que les propres investigations de la commission, prouvent que, d'une façon générale, les principes de base du programme sont sains, que ce programme a financé des opérations qui n'auraient pas été possibles autrement, qu'il a permis à des personnes d'obtenir des soins qu'elles n'auraient pu recevoir et qu'il a évité à bien des personnes et des familles une bonne part des désastres financiers scierosants que causent les maladies de longue durée.

Dans les années 1960, les Canadiens bénéficiaient d'un haut niveau de soins de santé. Le régime public d'assurance-hospitalisation était bien implanté et il n'était donc plus nécessaire de se pourvoir d'une assurance-hospitalisation personnelle. Les compagnies d'assurance se mirent donc à offrir aux Canadiens une protection contre les frais encourus lors d'éventuelles maladies ou blessures, ainsi que d'autres types d'assurance-maladie.

Malgré l'existence de ces diverses formules d'assurance-maladie, la Commission royale sur les services de santé notait que ces services n'en étaient pas pour autant universels, que la moitié de la population était encore dépourvue d'assurance médicale et que, de plus, les soins médicaux et hospitaliers étant essentiellement curatifs et diagnostiques, ils ne représentaient qu'une partie de tout l'éventail des services hospitaliers.

En 1960, l'Association médicale canadienne, qui appuyait le principe d'une assurance payant à l'avance les services médicaux et devant être offerte à tous les Canadiens, quels que soient leur âge, leur état de santé ou leur situation financière, demanda au gouvernement

leur enquête à toute partie du service extérieur dont ils pourraient avoir connaissance, et qu'ils pourraient, étant donné le temps dont ils disposent, prendre en considération.

À l'origine, les commissaires étaient les suivants : John Mortimer Courtney, président; Thomas Fyshe et John George Garneau. Garneau démissionna et fut remplacé par Philippe J. Bazin (Décret C.P. 1122, date du 9 mai 1907).

Thomas S. Howe.

Exemplaire imprimé d'une pétition de l'Association du Service civil, datée du 26 juin 1907.

Il n'existe pas d'instrument de recherche pour ces documents.

Date du 17 mars 1908. Déposé à la Chambre des communes le 26 mars 1908. Document parlementaire n° 29a, 1907-1908. Intitulé *Commission du Service civil, 1908. Rapport des commissaires*, Ottawa, Imprimeur du Roi, 1908, 282 p. Lors de son dépôt, ce rapport était accompagné de la transcription des audiences de la commission, intitulée *Commission du Service civil, 1908. Notes de la preuve*, Ottawa, Imprimeur du Roi, 1908, 2 v., 1462 p.

candidats retenus étaient probablement moins compétents en 1908 qu'en 1882. Comme le montraient les rapports du Bureau des examinateurs, l'hostilité du ministre avait enlevé aux examens de promotion le peu de valeur qu'ils avaient. La réduction du nombre de ces examens, jointe au règlement autorisant un seul test pour deux ou trois promotions, avaient rendu cette partie de la loi de 1882 pratiquement inefficace et presque totalement inutile. Toujours selon R.M. Dawson, le Bureau des examinateurs a rigoureusement défendu les quelques privilèges qu'il avait et sa survie ne s'explique que parce que ses efforts n'avaient que peu d'effet. Le favoritisme demeurait donc florissant tout en se moquant purement et simplement de l'activité du bureau et en oubliant presque son existence.

Le 25 avril 1907, le ministre des Finances, W.S. Fielding, annonçait aux Communes l'intention du gouvernement du Canada de constituer une commission royale sur la Fonction publique. Il précisait que l'enquête concernerait essentiellement la Fonction publique intérieure (segment de l'administration publique situé à Ottawa). Détail significatif, il ne s'attendait pas à ce que le gouvernement apporte des changements très radicaux à l'Acte du Service Civil. Le 8 mai 1907, le décret autorisant la nomination de la commission royale réitérait que les principes généraux de l'Acte du Service Civil étaient considérés comme satisfaisants. Les témoignages recueillis par la commission prouvèrent le contraire et les commissaires recommandèrent l'abrogation de la loi (R.M. Dawson, *The Civil Service of Canada*, London, Oxford University Press, 1929, p. 19-89; J.E. Hodgetts, W. McCloskey, R. Whitaker et V.S. Wilson, *The Biography of an Institution, the Civil Service Commission of Canada, 1908-1967*, Montréal et London, McGill-Queens University Press, 1972, p. 3-43; *The Canadian Annual Review*, 1907, p. 424-425 et Chambre des communes, *Débats*, 25 avril 1907, p. 7793-7799).

Les audiences de la commission eurent lieu du 15 mai au 20 novembre 1907, à Ottawa, Québec, Montréal et Toronto.

Décret du conseil C.P. 1108, 8 mai 1907, en vertu de la Partie I de la *Loi sur les enquêtes* (S.R.C., 1906, ch. 104) et sur la recommandation du ministre des Finances.

Enquêter et faire rapport sur le fonctionnement de l'Acte du Service Civil et autres textes législatifs connexes, afin de proposer des changements pertinents pour accroître l'efficacité de l'administration publique. L'enquête doit se pencher sur les questions suivantes : 1) le fonctionnement général de l'Acte du Service Civil; 2) la classification de la Fonction publique; 3) les salaires; 4) les emplois temporaires; 5) les emplois techniques; 6) les promotions; 7) la discipline, les heures de service, etc.; 8) l'efficacité des divers personnels ministériels et l'aspect numérique des effectifs; 9) les pensions de retraite; et 10) tout autre sujet relatif à l'administration publique et qui, de l'avis des commissaires, demande à être pris en considération.

Le service public, à Ottawa, sera tout d'abord l'objet de l'enquête. Mais les commissaires sont autorisés et ont reçu instructions d'étendre

Texte réglementaire :

Mandat :

Commission chargée d'enquêter et de faire rapport sur l'application de l'actuelle *Loi sur l'emploi dans la Fonction publique* et de la législation connexe en vue de proposer les modifications qui s'imposent, 1907, 30 pages (vol. 1)

La Confédération était à peine instituée qu'on réclamait l'abolition du favoritisme dans les nominations à la Fonction publique. Avant 1907, le gouvernement du Canada avait déjà mis sur pied trois enquêtes publiques sur la Fonction publique, en 1868, 1880 et 1891 respectivement, ainsi qu'un comité spécial de la Chambre des communes, en 1877. Toutes ces initiatives s'attaquaient plus ou moins à l'injustice générée par le favoritisme. Au cours des ans, de nombreux articles parurent contre ce mode de nomination à la Fonction publique et certains politiciens et hommes publics très en vue manifestèrent leur opposition à ce système. Plus ou moins influencés par la réforme de l'administration publique en Grande-Bretagne, les réformateurs canadiens étaient généralement d'avis que la sélection et la promotion des fonctionnaires devaient se faire selon le mérite, par concours.

En 1907-1908, les témoignages recueillis par une autre commission royale sur la Fonction publique prouvaient hors de tout doute que le favoritisme était encore monnaie courante dans toute la Fonction publique et que la loi de 1882 (*Acte concernant le Service Civil du Canada*, 45 Vict., ch. 4) n'avait guère contribué à la réprimer. Les relations de parti constituaient une qualification toute aussi importante qu'auparavant et affectaient toujours les promotions, les salaires, les démissions, la discipline et l'achat de fournitures.

Le favoritisme revêtait le plus souvent la forme de nominations politiques fondées sur les services rendus au parti. Par ailleurs, selon une variante de la situation précédente, chaque changement de gouvernement était suivi de destitutions massives dans l'administration publique.

Le 2 mars 1907, John M. Courtney, qui allait être nommé président de la Commission royale de 1907-1908 sur la Fonction publique, prenait la parole au Canadian Club à Ottawa. Dans son allocution, il ne demandait pas seulement l'élimination du favoritisme dans la Fonction publique, mais aussi une meilleure rémunération des fonctionnaires, la réintroduction du régime de retraite, l'établissement d'une commission indépendante chargée de contrôler les nominations, l'implantation d'un système de nomination par concours et la soumission des candidats choisis à des périodes de probation.

Selon R.M. Dawson, spécialiste de cette question, la réforme de la Fonction publique s'imposait depuis bien longtemps. Selon lui, de 1882 à 1908, l'administration publique avait connu une période de stagnation et les quelques changements enregistrés ne s'étaient exercés que dans la mauvaise direction. Les examens d'entrée n'avaient guère connu de changement et, selon un rapport officiel, les

La commission a tenu ses audiences à Dawson, du 6 février au 11 mars 1899. La commission a recueilli vingt-trois pièces à conviction.

Décret du conseil C.P. 2371, 7 octobre 1898, en vertu de l'Acte *concernant les enquêtes sur les affaires publiques* (S.R.C., 1886, ch. 114) et sur la recommandation du ministre de l'Intérieur.

Enquêter et faire rapport sur les accusations et plaintes exprimées dans un communiqué écrit à Dawson (Yukon), le 25 août 1898, adressé au premier ministre du Canada, signé par George T.C. Armstrong, président, *et al.*, représentant un comité de mineurs. Dans ce document est allégué que plusieurs représentants du gouvernement ont perdu leur droit à la confiance et au respect du peuple par leurs agissements dans certains domaines. L'enquête doit également porter sur toute autre accusation ou plainte que quiconque du territoire du Yukon pourrait souhaiter déposer contre les représentants du gouvernement du Canada au Yukon.

Commissaire :

William Ogilvie.

Secrétaire :

J.N.E. Brown.

Documents :

Comptes rendus d'audiences.

Il n'existe pas d'instrument de recherche pour ces documents.

Autres documents :

Archives nationales du Canada, documents personnels de Clifford Sifton, MG 27, II, A15, vol. 295, lettres de William Ogilvie, commissaire, à Clifford Sifton, ministre de l'Intérieur.

Archives nationales du Canada, Documents parlementaires, RG 14, E1, vol. 1989, copie du rapport du commissaire, M. William Ogilvie, copies des avis mentionnés dans le rapport et autres documents exigés par le Discours du Sénat, n° 15, 28 avril 1899, 27 p.

Rapport :

Date du 20 septembre 1899. Déposé à la Chambre des communes le 7 juin 1900. Documents parlementaires n° 33u, 1900. Imprimé sous le titre : *Copie du rapport de M. William Ogilvie, commissaire du Territoire du Yukon, concernant l'administration des affaires dans cette région*, 37 p.

Publications :

Chambre des communes, *Documents parlementaires*, n°s 87, 87a, 87b et 87c, 1899, documents relatifs à la nomination de William Ogilvie comme commissaire et comptes rendus des dépositions faites devant la commission accompagnées d'un index.

Commission chargée de faire enquête et rapport sur les accusations de méfaits contre plusieurs fonctionnaires du Yukon, 1899, 0,2 m (vol. 1-2; bobine de microfilm T-1321)

Historique :

Le 25 août 1898, un comité de mineurs du territoire du Yukon représenté par George T.C. Armstrong, président, Percy McDougall, secrétaire et onze autres personnes, écrivait au premier ministre Laurier pour se plaindre de la conduite de quelques fonctionnaires du gouvernement au Yukon en ce qui a trait à l'administration des lois et des règlements relatifs aux mines. Le comité réclamait que le gouvernement nomme une commission chargée de faire enquête dans ce grief. Au nombre des plaintes figuraient les suivantes :

1) le bureau du commissaire de l'or est pratiquement fermé au mineur qui n'a ni les moyens ni le désir de soudoyer les employés pour pouvoir prendre connaissance de documents qui devraient être publics;

2) l'information relative aux terrains non enregistrés n'est communiquée qu'à certaines personnes étrangères au bureau [du commissaire de l'or], qui obtiennent des hommes pour délimiter et enregistrer le terrain contre certains avantages;

3) le mécontentement a surgi du fait que le procureur de la Couronne, qui est la seule personne à laquelle le commissaire de l'or puisse s'adresser pour obtenir des avis juridiques, se permet d'être l'avocat de l'un des contestataires;

4) le procureur de la Couronne en tant qu'agent des terres de la Couronne est accusé de manquements à la confiance et de méfaits dans l'exercice de ses fonctions, dans la mesure où certaines personnes, qui ont retenu ses services comme avocat, ont bénéficié de faveurs;

5) des pratiques injustes ont suscité beaucoup de mécontentement face à l'incompétence de certains des fonctionnaires du bureau du greffier;

6) le manque d'expérience et de compétence de l'inspecteur des mines, même dans les méthodes les plus communes de l'industrie minière, est source de difficultés pour de nombreux propriétaires de concessions minières;

7) l'agent des forêts de la Couronne a accordé des concessions si invraisemblables et imposé des règlements si rigoureux que seuls quelques privilégiés pourront fournir la ville en bois de chauffage l'hiver prochain.

Le 7 octobre 1898, le gouvernement du Canada nommait William Ogilvie commissaire royal chargé d'enquêter et de faire rapport sur ces accusations (Décret du Conseil C.P. 2371, 7 octobre 1898).

INVENTAIRE DES
ARCHIVES DES COMMISSIONS
ROYALES D'ENQUÊTE

NOTES

1. Innis Christie et A. Paul Pross, « Introduction », *Commissions of Inquiry*, éd. par A. Paul Pross, Innis Christie et John A. Yogis, 1990, Carswell. Publié dans *Dalhousie Law Journal*, vol. 12, n° 3, janvier 1990.
2. *Loi sur les enquêtes* (L.R.C., 1985, ch. 1-11). Cette loi est analogue à celles qui régissent l'établissement et la conduite des enquêtes publiques dans chacune des provinces canadiennes.
3. Starr c. Houlden [1990] 1 S.C.R. 1366, 68 D.L.R. (4^e) 641. Avis minoritaire de madame le juge L'Heureux-Dubé, p. 38. (Ci-après désigné sous la forme Starr c. Houlden).
4. *Ibid.*
5. Landreville c. la Reine [1977] 2 F.C., 726, 75 D.L.R. (3^e) 380 (T.D.) et Archives nationales du Canada, Division des archives gouvernementales, Collection des inventaires généraux, *Archives des commissions royales fédérales* (RG 33), vol. 2, RG 33/92.
6. Nelles c. Grange (1984), 46 O.R. (2^e) 210, 9 D.L.R. (4^e) 79 (C.A.).
7. Starr c. Houlden, J. Lamer, p. 37.
8. John Sopinka, « Public Inquiries », Communication au congrès de l'Institut canadien d'administration de la justice, Winnipeg, 24 août 1990, p. 2.
9. *Ibid.*, p. 3.
10. Starr c. Houlden, J. Lamer, p. 37.
11. Commission de réforme du droit de l'Ontario. *Rapport sur les enquêtes publiques*, 1992. [30 mars 1992, Rosalie Abella, présidente; rapport soumis à l'honorable Howard Hampton, procureur général de l'Ontario], p. 185 et 191.
12. *Ibid.*, p. 213.
13. *Ibid.*, p. 214-217. Le rapport de la Commission de réforme du droit comprend vingt-deux recommandations.
14. *Ibid.*, Résumé, p. 1.
15. Commission de réforme du droit du Canada, Document de travail 17, *Droit administratif, Commissions d'enquête*, 1977, p. 13.

droits des personnes, et que ce sont elles qui seront le plus affectées par les propositions de réforme de la commission¹⁴ :

Il faut toutefois noter que toutes les commissions royales portant sur des agissements répréhensibles ne concernent pas nécessairement des personnes. La plupart, au contraire, sont non seulement mandatées pour enquêter et faire rapport sur les agissements d'individus, mais aussi pour contribuer à la recherche sur les politiques. Par exemple, en 1977, la Commission de réforme du droit du Canada soulignait que les enquêtes publiques pouvaient être classées en deux catégories : celles qui rassemblent de l'information sur les grandes questions politiques, et celles qui font enquête sur des allégations de conduite répréhensible. La Commission fédérale de réforme du droit reconnaissait que si certaines enquêtes servent les deux fonctions, presque toutes sont au départ mandatées pour conseiller ou pour enquêter¹⁵. Quel que soit le type d'enquête publique mise sur pied, il est important que son fonctionnement respecte convenablement le droit des personnes.

enquête et d'une éventuelle sanction de l'État, il devient indispensable d'assurer la protection de ses droits¹¹.

Il apparaît donc que les tribunaux vont probablement intervenir et invalider les enquêtes publiques instituées dans l'intention d'amener devant la justice des personnes impliquées dans des affaires d'agissements répréhensibles.

La publicité accordée au témoignage d'un témoin à une enquête publique, par exemple, peut nuire à la justice et à l'impartialité dont bénéficiera cette même personne lors d'un procès subséquent. Même en l'absence de toute accusation, l'effet de la publicité peut causer des dommages irréparables à sa réputation. Comme le soulignait le juge Sopinka, ancien avocat-conseil de Susan Nelles et Sinclair Stevens, les enquêtes publiques qui ne sont guère plus que des enquêtes criminelles, tout en n'accordant pas les protections fondamentales, sont invalides. Elles se réduisent à des procès dénués de toute garantie. De telles enquêtes ne correspondent pas au concept universel de justice, ne donnent pas de résultats équitables et ne peuvent être tolérées dans une société comme la nôtre⁹.

Le mandat des enquêtes publiques devrait, à l'avenir, être formulé en termes plus généraux. Ces enquêtes porteront sans aucun doute sur des questions d'administration publique plutôt que sur les agissements d'individus en particulier. L'enquête Houlden était chargée, d'une part, de mettre en lumière les tractations entre Patricia Starr et Tridel Corporation, ainsi qu'entre des représentants élus et non élus de l'État; et, d'autre part, de déterminer qui, d'un élu ou d'un fonctionnaire non élu, retirait des avantages de cette affaire. La Cour suprême du Canada a convenu que l'enquête aurait pu être acceptable si elle avait été mise sur pied pour servir l'intérêt public au sens large. À propos de l'enquête Houlden, le juge Lamer ajouta que le mandat de l'enquête ne prévoyait tout simplement pas l'examen des principes de gestion que les représentants du gouvernement appliquent dans le cas des dons de charité en particulier, ou, plus généralement, lorsqu'il s'agit des intérêts de tiers. Bien que les représentants de l'État tombent dans le champ de l'enquête, ils ne font l'objet d'une investigation que s'ils ont eu des relations d'affaire avec des personnes nommément désignées qui n'appartiennent pas à la Fonction publique¹⁰.

Toutefois, dans son récent *Rapport sur les enquêtes publiques*, la Commission de réforme du droit de l'Ontario soutient que les détracteurs des enquêtes surestiment les dangers du processus d'enquête et sous-estiment leur potentiel unique en tant qu'instruments de gouvernement. Selon cette commission, le défi ne consiste pas tant à mettre en place d'autres garanties qu'à évaluer si leur implantation ne compromettrait pas trop l'efficacité des enquêtes publiques en tant qu'instruments de gouvernement légitimes¹¹.

En réponse à ce défi, la Commission de réforme du droit de l'Ontario recommandait d'apporter des modifications à la *Loi ontarienne sur les enquêtes publiques*, afin de minimiser le préjudice et l'injustice qui résultent du processus d'enquête publique sans compromettre pour autant l'exécution du mandat des commissions d'enquête¹².

Parmi les recommandations de la Commission de réforme du droit de l'Ontario, mentionnons la suggestion d'accorder aux témoins le droit de refuser de témoigner, d'étendre les dispositions qui permettent aux présidents d'enquête de tenir des audiences, ou une partie des audiences, à huis clos, ou d'interdire la publication de certains éléments; de donner à la commission le droit de décider par elle-même de diffuser son rapport dans les trente jours après son dépôt au Cabinet, s'il n'a pas été déposé à l'Assemblée législative provinciale ou communiqué au public; et de permettre aux enquêtes de rejeter une preuve si ses conséquences néfastes sur les témoins l'emportent sur sa pertinence¹³. La Commission de réforme du droit note par ailleurs qu'il existe deux sortes d'enquêtes publiques : celles qui traitent essentiellement de la formulation de politiques et celles qui concernent des agissements répréhensibles, que ce soit ces dernières qui ont les plus graves répercussions sur les

envers les personnes. Les enquêtes de ce type font de plus en plus l'objet d'examen juridiques minutieux. La question revêt une telle importance qu'un congrès sur « Les commissions d'enquête : les valeurs des avocats et celles des décideurs du secteur public » s'est tenu à l'Université Dalhousie à Halifax, du 25 au 27 février 1988. Ce congrès, le premier consacré aux méthodes et à l'utilité des commissions d'enquête, tentait de répondre à plusieurs questions embarrassantes, comme, par exemple : « Dans quelle mesure les avocats sont-ils sensibles aux menaces que font peser sur les droits de la personne un instrument de gouvernement non contrôlé qui flirte avec les médias et, plus particulièrement, avec la télévision? ».

Que les commissions royales soient nommées en vertu de lois fédérales ou provinciales, elles bénéficient de pouvoirs exceptionnels. Elles peuvent, par exemple, obliger des personnes à témoigner, produire des pièces à conviction et exiger la comparution de témoins. En outre, dans les enquêtes, certaines preuves présentées publiquement seraient inadmissibles dans un tribunal judiciaire. Comme l'a souligné Claire L'Heureux-Dubé, juge à la Cour suprême du Canada, « il convient de noter les nombreuses protections procédurales que la Loi sur les enquêtes publiques accorde aux appelants, auxquelles viennent s'ajouter les propres prescriptions du commissaire.³ » Au nombre de ces protections figurent : le droit de participer, le contre-interrogatoire des témoins, le droit de consulter, la possibilité d'appeler des témoins à la barre pour produire une preuve, les privilèges dont les témoins bénéficient au tribunal, tels que le privilège du secret professionnel de l'avocat et la possibilité de demander le huis clos⁴. De plus, la *Charte canadienne des droits et libertés* de 1982, la *Loi sur la preuve au Canada* et la *Loi sur les enquêtes* garantissent, qu'advenant le cas où l'affaire serait portée devant un tribunal, la personne serait protégée contre l'utilisation de ses propres témoignages, quelle que soit la preuve qu'elle ait fournie au cours de l'enquête publique.

Dès 1977, la Cour fédérale du Canada estimait que le rapport d'une commission d'enquête de 1966 sur les agissements du juge Léo A. Landreville était nul et non avenue parce qu'il ne respectait pas l'article 13 de la *Loi sur les enquêtes*. Cet article stipule qu'on ne peut produire un rapport sur une personne présumée coupable de mauvaise conduite, avant de l'avoir informée dans un délai raisonnable de l'accusation portée contre elle et de lui avoir permis de se prévaloir pleinement de son droit d'être entendue en personne ou en la personne de son avocat. Plus précisément, le commissaire Rand faisait rapport sur la question de savoir si le juge Landreville s'était conduit de façon réprouvable lorsqu'il avait acquis, apparemment gratuitement, des parts dans la Northern Ontario Natural Gas, et si, ce faisant, il s'était révélé inapte à remplir les fonctions de juge à la Cour suprême de l'Ontario⁵.

Plus récemment, deux commissions royales d'enquête, nommées en vertu de la *Loi de l'Ontario sur les enquêtes publiques*, relatives à des allégations de conduite répréhensible de la part de personnes, ont été soumises à des poursuites judiciaires. Dans le premier cas, le décret établissant l'enquête publique dans l'affaire de la mort de plusieurs bébés à l'hôpital des enfants malades de Toronto spécifiait que le commissaire, Samuel Grange, devait mener l'enquête sans formuler de conclusion juridique quant à la responsabilité civile ou criminelle. La Cour d'appel de l'Ontario a conclu que le commissaire ne devait pas nommer la ou les personne(s) responsable(s) de la mort des enfants⁶.

Dans l'affaire Starr c. Houden, dans laquelle la commission n'était pas non plus autorisée à se prononcer sur la responsabilité civile ou criminelle, la Cour suprême du Canada a déclaré que cette enquête remplacait l'enquête de police et l'enquête préliminaire dans une infraction apparemment commise par une ou plusieurs personnes nommément désignées. Selon ce tribunal, le mandat de procédures criminelles qui relèvent exclusivement du Parlement, et que, par conséquent, l'enquête était réservée⁷. Toutefois, cette affaire dépassait nettement la simple question de savoir si l'enquête avait empiété sur les compétences fédérales. Selon John Sopinka, juge à la Cour suprême du Canada, et les provinces sous-tend la décision dans l'affaire Starr : quand une personne fait l'objet d'une

Cet ouvrage relate les circonstances qui ont mené à la création de 72 commissions d'enquête fédérales, décrit leur mandat, les rapports et les documents qu'elles ont produits et qui sont déposés à la Division des archives gouvernementales des Archives nationales du Canada. Il traite aussi de documents conservés dans d'autres groupes d'archives que le groupe 33, ainsi que dans d'autres divisions de conservation des Archives nationales. En outre, le cas échéant, des renvois font référence aux publications et aux travaux de recherche consacrés à ces diverses commissions royales. Second de deux volumes, cet inventaire répertorie les archives des séries RG 33/76 à RG 33/147, c'est-à-dire les commissions d'enquête constituées entre 1898 et 1986. Il porte sur tous les documents transférés aux Archives nationales en date du 31 décembre 1991.

Le premier volume, publié en 1990, intitulé *Collection de l'inventaire général de la Division des archives gouvernementales. Archives des commissions royales d'enquête* (RG 33), traite des séries RG 33/1 à RG 33/75 relatives aux commissions d'enquête établies entre 1873 et 1975. Il comprend en outre un historique administratif chronologique des textes de lois qui concernent les commissions royales et une description de l'inventaire portant sur les documents les plus fréquents dans le fonds d'archives.

À la fin du volume 2 figure un index des noms et des sujets qui couvre les 147 entrées que contiennent les deux volumes. *Comme dans le premier volume, les commissions d'enquête décrites dans cet inventaire sont classées dans l'ordre de leur transfert aux Archives. Pour faciliter leur consultation, l'Annexe I du présent volume contient une liste chronologique de toutes les séries de documents, de RG 33/1 à RG 33/147. Les annexes comprennent également une copie de la Loi sur les enquêtes et un exemple de commission « royale » établie sous le Grand Sceau du Canada.*

Des 72 commissions décrites dans le volume 2, 62 ont été constituées en vertu de la Partie I de la *Loi sur les enquêtes*, neurt ont été établies en vertu de cette même loi, mais sans mention de la partie concernée, et une, la Commission sur les relations industrielles de 1919 (RG 33/95), ne précise pas la loi en vertu de laquelle elle a été mise sur pied.

Les archives décrites dans ces deux volumes comprennent plus de 1 000 mètres de documents textuels, 196 bobines de microfilm et 353 microfiches. De plus, les séries 71, 72, 80, 91, 101 et 113 contiennent des dossiers électroniques (fichiers de données).

Ainsi que le précise l'introduction du premier volume de cet inventaire, les archives de chaque commission royale fédérale sont décrites en tant qu'entités autonomes à l'intérieur du groupe de documents 33. Toutefois, au fur et à mesure que progressent les travaux d'implantation de normes descriptives aux Archives nationales du Canada, toutes les commissions royales incluses dans RG 33 devraient être traitées comme des fonds séparés. Comme les principes de respect des fonds et de provenance ont de tout temps été appliqués aux collections constitutives de RG 33, les archives produites par les commissions répondent aux exigences de la définition d'un fonds, telle qu'elle est formulée dans les *Règles pour la description des documents d'archives*.

Pouvoirs des commissions royales et droits des personnes

Il est probable que le changement le plus important qui ait marqué le contexte des commissions royales au cours des dernières années est, d'une part, la question des pouvoirs conférés aux enquêtes publiques, plus particulièrement à celles qui concernent d'éventuelles infractions à la loi, et, d'autre part, la question de savoir si ces pouvoirs peuvent avoir des répercussions préjudiciables

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AVANT-PROPOS

Les Archives nationales du Canada ont notamment pour mission d'acquies les documents fédéraux qui méritent d'être conservés pendant longtemps. La Division des archives gouvernementales, qui s'occupe des archives écrites et électroniques du gouvernement, s'efforce de rendre ce patrimoine documentaire accessible aux fonctionnaires, aux chercheurs et au grand public. Afin de diffuser cette information, la Division publie une collection d'inventaires généraux qui portent sur ses fonds.

Dans le passé, chaque inventaire ne portait que sur un seul groupe d'archives. L'expression « groupe d'archives » (RG pour *record group*), n'est employée que pour désigner les documents fédéraux conservés aux Archives nationales du Canada. En termes simples, un groupe d'archives peut être défini comme tout ensemble de documents qui ont été produits par le gouvernement du Canada ou ses prédécesseurs et qui sont liés entre eux sur le plan organisationnel ou fonctionnel à cause d'une certaine continuité administrative. Cela veut habituellement dire qu'un groupe d'archives distinct est créé pour chaque ministère, direction générale ou organisme qui, à un moment donné de son existence, a utilisé un système de classement documentaire distinct et autonome.

Le groupe d'archives RG 33 ne correspond cependant pas à la définition courante d'un groupe d'archives gouvernementales conservées aux Archives nationales du Canada. Il s'agit en effet de petits ensembles de documents analogues sans aucune continuité administrative (à part le fait qu'ils proviennent de commissions d'enquête parlementaires), qu'on a réunis pour former un groupe d'archives. Nous nous attendons à ce que, dans un proche avenir, ces documents soient répartis entre des fonds d'archives distincts. Dans les *Règles pour la description des documents d'archives* publiées par le Bureau canadien des archivistes, un fonds est défini comme un « ensemble de documents de toute nature réunis automatiquement et organiquement, créés et/ou accumulés et utilisés par une personne physique ou morale ou par une famille dans l'exercice de ses activités ou de ses fonctions. » Cependant, l'application du concept de fonds ne devrait pas influencer sur l'actuelle organisation interne des documents.

Le premier volume du présent inventaire comprend un historique administratif des commissions royales d'enquête au Canada, y compris une chronologie des lois ayant trait à ces commissions, ainsi que des descriptions des séries RG 33/1 à RG 33/75. Le second volume renferme donc des descriptions des séries RG 33/76 à RG 33/147, qui portent sur les commissions d'enquête constituées durant la période allant de 1898 à 1975. On y trouve aussi un index nominatif et un index des sujets pour les 147 entrées.

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429	Index par sujets
423	Index des présidents, commissaires et secrétaires ou directeurs exécutifs
421	INDEX
414	IV. Exemple d'une commission créée par lettres patentes sous le Grand Sceau du Canada nommant le commissaire d'une « enquête publique »
410	III. Exemple d'un décret du conseil déterminant le mandat d'une « enquête publique »
405	II. La <i>Loi sur les enquêtes</i> (S.R.C., 1985, c. I-11)
401	I. Liste chronologique des commissions royales d'enquête (RG 33/1 à RG 33/147) selon la date de leur constitution
399	ANNEXES
393	147. Bande indienne de Westbank, 1976-1987
391	146. Fraudes des Chinois et contrebande d'opium sur la côte du Pacifique, 1910-1911
389	145. Immigration chinoise et japonaise en Colombie-Britannique, 1900-1902
386	144. Criminels de guerre, 1985-1986
383	143. Collision ferroviaire de Hinton, 1978-1986
379	142. Détermination de la peine, 1981-1987

117.	Industrie canadienne de l'automobile, 1973-1978	297
118.	Unité canadienne, 1976-1979	300
119.	Transport à Terre-Neuve, 1972-1978	303
120.	Envoi du Corps expéditionnaire canadien à Hong Kong, 1940-1942	307
121.	Bilinguisme dans les services de contrôle de la circulation aérienne au Québec, 1962-1979	309
122.	Gestion financière et imputabilité, 1975-1979	314
123.	Conflit de travail à l'usine de Windsor de la société Chrysler Canada, 1941	318
124.	Coûts du transport du grain par rail, 1964-1978	320
125.	Accident ferroviaire de Mississauga, 1962-1980	323
126.	Quotidiens, 1972-1982	326
127.	Transactions de la Commission canadienne du lait, 1966-1980	328
128.	Certaines activités de la G.R.C., 1967-1981	331
129.	Situation dans le service extérieur, 1969-1982	335
130.	Défense d'aliénation mentale en matière criminelle, 1952-1956	338
131.	Droit pénal en matière de psychopathie sexuelle criminelle, 1948-1958	340
132.	Politique des pêches du Pacifique, 1976-1982	342
133.	Égalité en matière d'emploi, 1982-1985	345
134.	Pratiques de commercialisation de la pomme de terre dans l'Est du Canada, 1984	348
135.	Industrie pharmaceutique, 1984-1985	350
136.	Désastre marin de l' <i>Ocean Ranger</i> , 1974-1986	353
137.	Union économique et perspectives de développement du Canada, 1983-1986	358
138.	Phoques et chasse au phoque au Canada, 1964-1986	362
139.	Assurance-chômage, 1979-1986	366
140.	Faillite de la Banque Commerciale du Canada et de la Norbanque, 1984-1986	370
141.	Réclamations étrangères, 1944-1987	373

93.	Extradition de Lucien Rivard (« l'affaire Lucien Rivard »), 1964-1965	235
94.	Pilotage, 1874-1971	237
95.	Relations industrielles du Canada, 1919	241
96.	Questions concernant Gerta Munsinger (« l'affaire Munsinger »), 1966	243
97.	Demandes des houlleurs de l'Ouest canadien, 1943-1944	246
98.	Imprimerie nationale, 1919-1923	249
99.	Immigration de journaliers italiens à Montréal, 1903-1905	251
100.	Naturalisation, 1931	253
101.	Usage des drogues à des fins non médicales, 1957-1973	255
102.	Bénéfices de la sidérurgie, 1970-1974	259
103.	Commission d'enquête sur l'aéroport, 1965-1974	261
104.	Terres et affaires indiennes dans la province de la Colombie-Britannique, 1913-1916	265
105.	Possibilités de l'élevage de boeufs musqués et de rennes dans l'Arctique, 1920	269
106.	Écrasement d'un avion à Rea Point, dans les Territoires du Nord-Ouest, 1972-1976	271
107.	Demands d'indemnisation de certains pêcheurs canadiens pratiquant la pêche pélagique du phoque, 1910-1916	273
108.	Témoignages des Indiens âgés, 1977	275
109.	Rétrocession de terres à la Colombie-Britannique, 1927	276
110.	Concession Treadgold et autres concessions dans le Territoire du Yukon, 1903-1904	278
111.	Manutention et transport du grain, 1967-1978	281
112.	Locaux parlementaires, 1974-1976	284
113.	Grouperments de société, 1970-1978	286
114.	Fonctionnement de la Direction juridique de la Chambre des communes, 1912	289
115.	Revendications des Indiens, 1966-1977	290
116.	Ports pétroliers de la Côte Ouest, 1971-1978	293

TABLE DES MATIÈRES

(Volume 2)

Page	
vii	Avant-propos
viii	Remerciements
ix	Introduction
183	INVENTAIRE DES ARCHIVES DES COMMISSIONS ROYALES D'ENQUÊTE
183	76. Accusations de méfaits contre plusieurs fonctionnaires du Yukon, 1899
185	77. Application de la Loi sur l'emploi dans la Fonction publique, 1907
188	78. Services de santé, 1961-1967
192	79. Problèmes commerciaux de l'industrie du poisson d'eau douce, 1961-1976
194	80. Bilinguisme et biculturalisme, 1963-1971
200	81. Problèmes commerciaux de l'industrie du poisson salé de l'Atlantique, 1964-1965
203	82. Détournement de fonds de Martineau, 1901-1903
205	83. Service public, 1857-1892 et 1911-1913
207	84. Écrasement d'un avion à Ste-Thérèse-de-Blainville (Québec), 1963-1964
210	85. Plaintes de Walter H. Kirchner concernant les services de pensions et traitements aux anciens combattants, 1947-1948
212	86. Partialité politique au ministère du Rétablissement des soldats dans la vie civile, 1926-1927
214	87. Avenir de la base de révision des Lignes aériennes Trans-Canada à l'aéroport international de Winnipeg, 1957-1966
217	88. Douanes et accise, 1926-1927
221	89. Situation de la femme au Canada, 1962-1970
225	90. Conditions de travail au ministère des Postes, 1965-1966
228	91. Machines agricoles, 1964-1971
232	92. Relations du juge Léo A. Landreville avec la Northern Ontario Gas Limited, 1958-1966
iii	

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RG 33

18
1764|1867|1846|1971|1807|1962|1760|1788|1857|1973
1769|1964|1757|1903|1776|1960|1677|1821|1966|1866
1799|1967|1850|1959|1790|1968|1842|1970|1868|1965
1775|1969|1880|1931|1975|1883|1974|1870|1876|1966
1890|1972|1939|1950|1816|1978|1834|1825|1974|1870
1880|1968|1873|1977|1899|1975|1897|1966|1871|1872
1959|1933|1762|1791|1953|1954|1926|1904|1942|1935
1923|1968|1919|1938|1969|1827|1881|1947|1955|1940

